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PENNSYLVANIA BULLETIN

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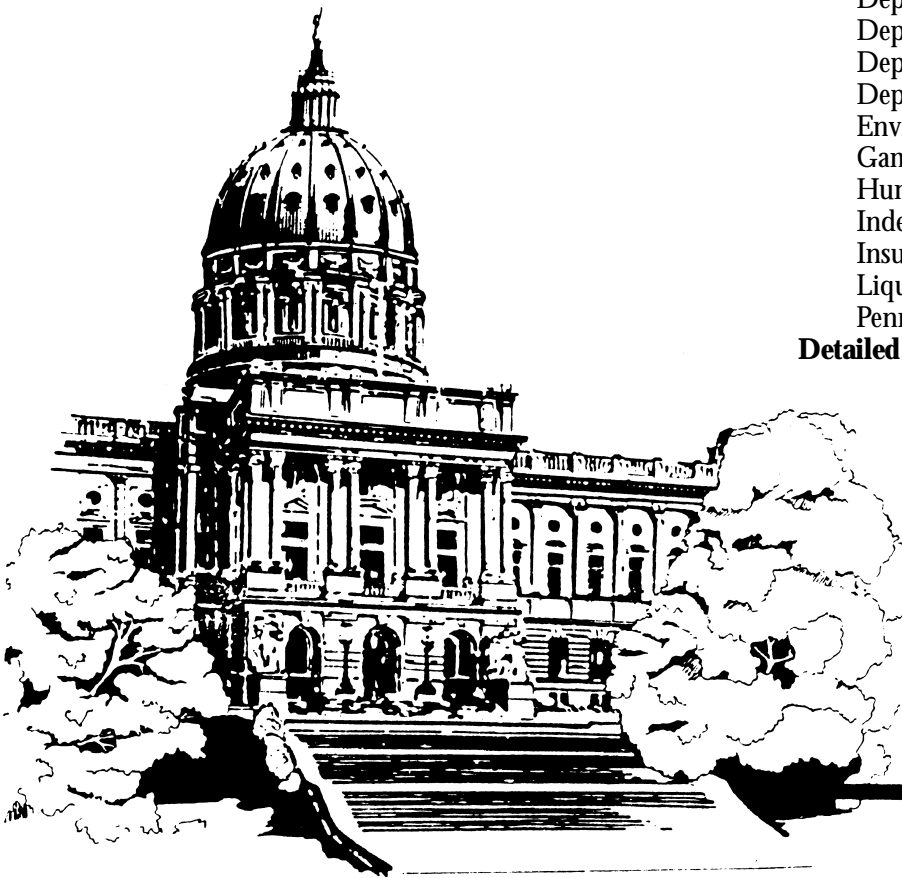
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No. 317, April 2001

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Pennsylvania Bulletin

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

Adoption, Amendment or Repeal of Regulations

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances where the agency may omit the proposal step; they still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania*

Bulletin before it can take effect. If the agency wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, they must re-propose.

Citation to the *Pennsylvania Bulletin*

Cite material in the *Pennsylvania Bulletin* by volume number and page number. Example: Volume 1, *Pennsylvania Bulletin*, page 801 (short form: 1 Pa.B. 801).

Pennsylvania Code

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa.Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

How to Find Documents

Search for your area of interest in the *Pennsylvania Code*.

The *Pennsylvania Code* contains, as Finding Aids, subject indexes for the complete *Code* and for each individual title, a list of Statutes Used As Authority for Adopting Rules and a list of annotated cases. Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred.

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Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such a rule or regulation is enclosed in brackets [] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised; and that the fiscal note shall provide the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the five succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the five succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where “no fiscal impact” is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2001.

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THE COURTS

Title 225—RULES OF EVIDENCE

[225 PA. CODE ARTS. I, IV, VI, VIII AND X]

Order Amending Rule 410; and Approving the Revisions of the Comments to Rules 104, 408, 604, 609, 802 and 1003; No. 268, Supreme Court Rules; Doc. No. 1

The Committee on Rules of Evidence has prepared a Final Report explaining the amendments to Rule 410 and the revisions of the Comments to Rules 104, 408, 604, 609, 802 and 1003 that were adopted on March 29, 2001, effective April 1, 2001. The changes renumber the cross-references to the Rules of Criminal Procedure, make other editorial changes, and conform the Rule 802 Comment with the recent changes to 42 Pa.C.S. § 5985.1. The Final Report follows the Court's Order.

Order

Per Curiam

Now, this 29th day of March, 2001, upon the recommendation of the Committee on Rules of Evidence; this Recommendation for technical and clerical changes having been submitted without publication pursuant to Pa.R.J.A. 103(a)(3), and a Final Report to be published with this Order:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule of Evidence 410 is hereby amended, and the revisions of the Comments to Rules of Evidence 104, 408, 604, 609, 802 and 1003 are approved, all in the following form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective April 1, 2001.

Annex A

TITLE 225. RULES OF EVIDENCE

ARTICLE I. GENERAL PROVISIONS

Rule 104. Preliminary Questions.

* * * * *

Comment

Paragraph 104(a) is identical to F.R.E. 104(a). The first sentence is consistent with **prior** Pennsylvania **case** law. See *Commonwealth v. Chester*, 526 Pa. 578, 587 A.2d 1367 (1991).

* * * * *

Paragraph 104(b) is identical to F.R.E. 104(b) and appears to be consistent with **prior** Pennsylvania **case** law. See *Commonwealth v. Carpenter*, 472 Pa. 510, 372 A.2d 806 (1977).

The first sentence of paragraph 104(c) differs from the first sentence of F.R.E. 104(c) in that the Federal Rule says "Hearings on the admissibility of confessions shall in all cases be conducted out of the hearing of the jury." The first sentence of Pa.R.E. 104(c) has been changed to be consistent with Pa.R.Crim.P. [323(f)] 581(F), which requires hearings outside the presence of the jury in all cases in which it is alleged that the evidence was obtained in violation of the defendant's rights.

The second sentence of paragraph 104(c) is identical to the second sentence of F.R.E. 104(c). Paragraph 104(c) indicates that hearings on other preliminary matters, both criminal and civil, shall be conducted outside the jury's presence when required by the interests of justice. Certainly, the court should conduct the hearing outside the presence of the jury when the court believes that it is necessary to prevent the jury from hearing prejudicial information. The right of an accused to have his **or her** testimony on a preliminary matter taken outside the presence of the jury does not appear to have been discussed in Pennsylvania law.

Paragraph 104(d) is identical to F.R.E. 104(d). In general, when a party offers himself **or herself** as a witness, the party may be questioned on all relevant matters in the case. See *Agate v. Dunleavy*, 398 Pa. 26, 156 A.2d 530 (1959). Under Pa.R.E. 104(d), however, when the accused in a criminal case testifies only with regard to a preliminary matter, he or she may not be cross-examined as to other matters. Although there is no Pennsylvania authority on this point, it appears that this rule is consistent with Pennsylvania practice. This approach is consistent with paragraph 104(c) in that it is designed to preserve the defendant's right not to testify generally in the case.

Paragraph 104(e) differs from F.R.E. 104(e) to clarify the meaning of this paragraph. See 21 Wright and Graham, *Federal Practice and Procedure* § 5058 (1977). This paragraph is consistent with **prior** Pennsylvania **case** law.

Official Note: Adopted May 8, 1998, effective October 1, 1998; Comment revised March 29, 2001, effective April 1, 2001.

Committee Explanatory Reports:

Final Report explaining the March 29, 2001 revision of the Comment published with the Court's Order at 31 Pa.B. 1995 (April 14, 2001).

ARTICLE IV. RELEVANCY AND ITS LIMITS

Rule 408. Compromise and Offers to Compromise.

* * * * *

Comment

* * * * *

Pa.R.E. 408 is consistent with 42 Pa.C.S. § 6141 which provides, in pertinent part, as follows:

§ 6141. Effect of certain settlements

* * * * *

(c) *Admissibility in evidence.*—Except in an action in which final settlement and release has been pleaded as a complete defense, any settlement or payment referred to in subsections (a) and (b) shall not be admissible in evidence on the trial of any matter.

* * * * *

Under Pa.R.E. 408, as under F.R.E. 408, evidence of offers to compromise or completed compromises is admissible when used to prove an effort to obstruct a criminal investigation or prosecution. This is consistent with prior Pennsylvania case law. See *Commonwealth v. Pettinato*, 520 A.2d 437 (Pa. Super. 1987). Pa.R.E. 408 does not permit, however, the use of evidence relating to good faith compromises or offers to compromise when made for the

purpose of reaching an agreement such as those sanctioned by Pa.R.Crim.P. [314]586 (relating to dismissal of criminal charges not committed by force or violence upon payment of restitution) or Pa.R.Crim.P. [145]546 (relating to dismissal upon satisfaction or agreement). The court may need to conduct, out of the hearing of the jury, a preliminary inquiry into the circumstances surrounding compromises in criminal matters to determine whether to permit such evidence.

Official Note: Adopted May 8, 1998, effective October 1, 1998; amended March 10, 2000; effective July 1, 2000; **Comment March 29, 2001, effective April 1, 2001.**

Committee Explanatory Reports:

* * * * *

Final Report explaining the March 29, 2001 revision of the Comment published with the Court's Order at 31 Pa.B. 1995 (April 14, 2001).

Rule 410. Inadmissibility of Pleas, Plea Discussions and Related Statements.

(a) *General rule.* Except as otherwise provided in this rule, evidence of the following is not, in any civil or criminal proceeding, admissible against the defendant who made the plea or was a participant in the plea discussions:

* * * * *

(3) any statement made in the course of any proceedings under Rules [59, 64, 69, 177, 179 or 319]409, 414, 424, 311, 313, or 590 of the Pennsylvania Rules of Criminal Procedure, Fed. R. Crim. P. 11, or any comparable rule or provision of law of Pennsylvania or any other jurisdiction regarding the pleas identified in subsections (1) and (2) of this rule; or

* * * * *

Comment

This rule is similar to F.R.E. 410. References to Rules [59, 64, 69, 177, 179, and 319]409, 414, 424, 311, 313, and 590 of the Pennsylvania Rules of Criminal Procedure and the comparable rules or other provisions of Pennsylvania or other jurisdictions have been added. Unlike the federal rule, subsection (b) of the Pennsylvania rule is set forth separately to indicate that it creates an exception applicable to all of subsection (a).

Pa.R.E. 410 reflects present Pennsylvania law. See *Commonwealth v. Jones*, 544 A.2d 54 (1988); *Commonwealth ex rel. Warner v. Warner*, 40 A.2d 886 (Pa. Super. 1945); Pa.R.Crim.P. [177(b), 179(b)]311(B), 313(B).

* * * * *

Official Note: Adopted May 8, 1998, effective October 1, 1998; Comment revised March 23, 1999, effective immediately; amended March 10, 2000, effective immediately; **amended March 29, 2001, effective April 1, 2001.**

Committee Explanatory Reports:

* * * * *

Final Report explaining the March 29, 2001 amendments published with the Court's Order at 31 Pa.B. 1995 (April 14, 2001).

ARTICLE VI. WITNESSES

Rule 604. Interpreters.

* * * * *

Comment

This [**Rule**] rule adopts the substance of F.R.E. 604; the only change is the explicit reference to Pa.Rs.E. 702 and 603, rather than the general reference to "the provisions of these rules" in F.R.E. 604.

* * * * *

Pa.R.E. 604 is consistent with those Pennsylvania statutes providing for the appointment of interpreters for the deaf. See 42 Pa.C.S.A. § 7103 (deaf party in a civil case); 2 Pa.C.S.A. § 505.1 (deaf party in hearing before Commonwealth agency); 42 Pa.C.S.A. § 8701 (deaf defendant in criminal case); see also *Commonwealth v. Wallace*, 433 Pa. Super. 518, 641 A.2d 321 (1994) (applying § 8701). Under each of these statutes, an interpreter must be "qualified and trained to translate for or communicate with deaf persons" and must "swear or affirm that he will make a true interpretation to the deaf person and that he will repeat the statements of the deaf person to the best of his ability."

There is little statutory authority for the appointment of interpreters, but the practice is well established. See Pa.R.Crim.P. [264(b)]231(B) (authorizing presence of interpreter while investigating grand jury is in session if supervising judge determines necessary for presentation of evidence); 51 Pa.C.S.A. § 5507 (under regulations prescribed by governor, convening authority of military court may appoint interpreters). The decision whether to appoint an interpreter is within the discretion of the trial court. See *Commonwealth v. Pana*, 469 Pa. 43, 364 A.2d 895 (1976) (holding that it was an abuse of discretion to fail to appoint an interpreter for a criminal defendant who had difficulty in understanding and expressing himself in English).

Official Note: Adopted May 8, 1998, effective October 1, 1998; **Comment revised March 29, 2001, effective April 1, 2001.**

Committee Explanatory Reports:

Final Report explaining the March 29, 2001 revision of the Comment published with the Court's Order at 31 Pa.B. 1995 (April 14, 2001).

Rule 609. Impeachment by Evidence of Conviction of Crime.

* * * * *

Comment

Pa.R.E. 609(a) differs from F.R.E. 609(a). Pa.R.E. 609(a), subject to the time limitations in Pa.R.E. 609(b), is similar to F.R.E. 609(a)(2) because it permits impeachment of any witness by evidence of conviction of a crime involving dishonesty or false statement, regardless of what the punishment for that crime may be. However, Pa.R.E. 609(a) does not permit use of evidence of conviction of a crime punishable by death or imprisonment for more than one year, which is allowed under F.R.E. 609(a)(1), subject to certain balancing tests. This limitation on the type of crime evidence admissible is consistent with **prior** Pennsylvania **case** law. See *Commonwealth v. Randall*, 515 Pa. 410, 528 A.2d 1326 (1987); *Commonwealth v. Bigham*, 452 Pa. 554, 307 A.2d 255 (1973). Moreover, Pa.R.E. 609(a), unlike F.R.E. 609(a)(2), specifically provides that a conviction based upon a plea of nolo contendere may be used to impeach; this, too, is consistent with **prior** Pennsylvania **case** law. See *Commonwealth v. Snyder*, 408 Pa. 253, 182 A.2d 495 (1962).

As a general rule, evidence of a jury verdict of guilty or a plea of guilty or nolo contendere may not be used to

impeach before the court has pronounced sentence. See *Commonwealth v. Zapata*, 455 Pa. 205, 314 A.2d 299 (1974). In addition, evidence of admission to an Accelerated Rehabilitative Disposition program under Pa.Rs.Crim.P. [176-186] 310-320 may not be used to impeach credibility. See *Commonwealth v. Krall*, 290 Pa. Super. 1, 434 A.2d 99 (1981).

Where the target of impeachment is the accused in a criminal case, 42 Pa.C.S.A. § 5918 again comes into play. See Comment to Pa.Rs.E. 607, 608 pointing out that § 5918's prohibition against questioning defendant who takes stand about conviction of any offense other than the one for which he is on trial applies only to cross-examination. Hence, evidence of conviction of a crime may be introduced in rebuttal after the defendant has testified. See *Commonwealth v. Bigham*, 452 Pa. 554, 307 A.2d 255 (1973).

* * * * *

Pa.R.E. 609(d) differs from F.R.E. 609(d). Under the latter, evidence of juvenile adjudications is generally inadmissible to impeach credibility, except in criminal cases against a witness other than the accused where the court finds that the evidence is necessary for a fair determination of guilt or innocence. Pa.R.E. 609(d), to be consistent with 42 Pa.C.S.A. § 6354(b)(4), permits a broader use; a juvenile adjudication of an offense may be used to impeach in a criminal case if conviction of the offense would be admissible if committed by an adult. Juvenile adjudications may also be admissible for other purposes. See 42 Pa.C.S.A. § 6354(b)(1), (2), and (3).

* * * * *

Official Note: Adopted May 8, 1998, effective October 1, 1998; Comment revised March 29, 2001, effective April 1, 2001.

Committee Explanatory Reports:

Final Report explaining the March 29, 2001 revision of the Comment published with the Court's Order at 31 Pa.B. 1995 (April 14, 2001).

ARTICLE VIII. HEARSAY

Rule 802. Hearsay Rule.

* * * * *

Comment

Pa.R.E. 802 is similar to F.R.E. 802. It differs by referring to other rules prescribed by the Pennsylvania Supreme Court, rather than the United States Supreme Court, and by referring to statutes in general, rather than Acts of Congress. This rule is consistent with prior Pennsylvania case law.

* * * * *

6. In a criminal or civil case, an out-of-court statement of a witness [under 13] 12 years of age or younger, describing certain kinds of sexual abuse, may be admitted pursuant to 42 Pa.C.S. § 5985.1.

* * * * *

Official Note: Adopted May 8, 1998, effective October 1, 1998; Comment revised March 23, 1999, effective immediately; Comment revised March 10, 2000, effective immediately; **Comment revised March 29, 2001, effective April 1, 2001.**

Committee Explanatory Reports:

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Final Report explaining the March 29, 2001 revision of the Comment published with the Court's Order at 31 Pa.B. 1995 (April 14, 2001).

ARTICLE X. CONTENTS OF WRITINGS, RECORDINGS, AND PHOTOGRAPHS

Rule 1003. Admissibility of Duplicates.

* * * * *

Comment

* * * * *

In addition, various Pennsylvania statutes have treated some accurate copies as admissible. See 42 Pa.C.S.A. § 6104 (governmental records in the Commonwealth); 42 Pa.C.S.A. § 5328 (domestic records outside the Commonwealth and foreign records); 42 Pa.C.S.A. § 6106 (documents recorded or filed in a public office); 42 Pa.C.S.A. § 6109 (photographic copies of business and public records); 42 Pa.C.S.A. §§ 6151-59 (certified copies of medical records).

The extension of similar treatment to all accurate copies seems justified in light of modern practice. Pleading and discovery rules such as Pa.R.C.P. 4009.1 (requiring production of originals of documents and photographs etc.) and Pa.R.Crim.P. [305(B)(1)(f) and (g)] 573 (B)(1)(f) and (g) (requiring disclosure of originals of documents, photographs and recordings of electronic surveillance) will usually provide an adequate opportunity to discover fraudulent copies. As a result, Pa.R.E. 1003 should tend to eliminate purely technical objections and unnecessary delay. In those cases where the opposing party raises a genuine question as to authenticity or the fairness of using a duplicate, the trial court may require the production of the original under this rule.

Official Note: Adopted May 8, 1998, effective October 1, 1998; Comment revised March 29, 2001, effective April 1, 2001.

Committee Explanatory Reports:

Final Report explaining the March 29, 2001 revision of the Comment published with the Court's Order at 31 Pa.B. 1995 (April 14, 2001).

FINAL REPORT¹

**Amendment to Pa.R.E. 410; and
Revision of the Comments to Pa.Rs.E. 104, 408, 604,
609, 802 and 1003**

Editorial Changes and Technical Corrections Correlative to the Renumbering of the Rules of Criminal Procedure and to Recent Statutory Changes

On March 29, 2001, upon the recommendation of the Committee on Rules of Evidence, the Supreme Court adopted an amendment to Pa.R.E. 410 and approved the revision of the Comments to Pa.Rs.E. 104, 408, 604, 609, 802 and 1003, effective April 1, 2001.

On March 1, 2000, the Court adopted the reorganization and renumbering of the Rules of Criminal Procedure, effective April 1, 2000. Because there are several cross-references to the Criminal Rules in the Rules of Evidence, the Court approved the renumbering of the cross-references to the Criminal Rules to reflect the changes.

¹ The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

The Court also approved stylistic and editorial corrections in order to make the rules consistent with the Court's other rules.

In addition to the renumbering changes, the Court approved the revision of the Comment to Pa.R.E. 802 that updates the reference to 42 Pa.C.S. § 5985.1 that was amended on October 18, 2000. The Comment to Rule 802 references § 5985.1 as an example of when hearsay may be admitted pursuant to statute. Paragraph 6 of the Comment reads:

In a criminal case, an out-of-court statement of a witness under 13 years of age, describing certain kinds of sexual abuse, may be admitted pursuant to 42 Pa.C.S. § 5985.1.

The statute provides, *inter alia*, that an out-of-court statement made by a child victim or witness who at the time of the statement was made was 12 years of age or younger, . . . , is admissible in evidence in any criminal or civil proceedings.

To conform the Rule 802 Comment with the changes to 42 Pa.C.S. § 5985.1, the Comment has been revised by adding "or civil" after "criminal" and changing "under 13 years of age or younger" to "12 years of age or younger."

[Pa.B. Doc. No. 01-630. Filed for public inspection April 13, 2001, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Procedure for Terminating Inactive Traffic Court Citations Pursuant to P.R.J.A. No. 1901; Admin- istrative Doc. No. 1 of 2001

Pennsylvania Rule of Judicial Administration No. 1901(a) provides that "(i)t is the policy of the unified judicial system to bring each pending matter to a final conclusion as promptly as possible consistently with the character of the matter and the resources of the system. Where a matter has been inactive for an unreasonable period of time, the tribunal, on its own motion, shall enter an appropriate order terminating the matter."

Pennsylvania Rule 1901(b)(2) directs the Traffic Court of Philadelphia to "make rules of court for such purposes . . ."

The within procedure is adopted pursuant to the above directive.

Citations Eligible for Termination

Citations issued two (2) years or more before the date of termination, and which have not resulted in a guilty plea, an adjudication or a judgment are eligible for termination pursuant to the procedure adopted herein.

Notice of Termination

The court shall periodically publish in *The Legal Intel-ligence* a general notice of all parties that a specific group of citations that have been inactive for five (5) years or more shall be terminated by court order thirty (30) days after the publication date, and that the full list of citations shall be available for public inspection during the court's normal business hours. The notice shall fur-

ther provide that any interested party may petition the court and show good cause as to why any citation should not be terminated.

Reinstatement

Pursuant to Pa.R.J.A. 1901(c)(2) and (d), "(a)ny matter terminated after notice by publication . . . may be reinstated by the court after dismissal upon written applica-tion for good cause shown . . . (A) court shall not entertain any application for reinstatement of a matter terminated pursuant to this rule if such application for reinstatement is filed after the documents relating to the matter have been disposed of pursuant to the applicable record reten-tion schedule established by or pursuant to law."

This Order is issued in accordance with Pa.R.J.A. No. 1901. The original Order shall be filed with the Prothono-tary for the First Judicial District of Pennsylvania in an Administrative Docket maintained for Orders or Direc-tives issued by the Administrative Judge of the Traffic Court of Philadelphia County, and copies submitted to the Minor Court Rules Committee, the Administrative Office of Pennsylvania Courts, and the Legislative Reference Bureau. Copies of the Order shall be submitted to American Lawyer Media, Jenkins Memorial Library, and the Law Library of the First Judicial District.

This Order becomes effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

FORTUNATO PERRI,
*Administrative Judge,
Philadelphia Traffic Court*

[Pa.B. Doc. No. 01-631. Filed for public inspection April 13, 2001, 9:00 a.m.]

Title 255—LOCAL COURT RULES

LUZERNE COUNTY

Adoption of Rules of Judicial Administration; Clerk of Courts MISC #119/2001; Register of Wills MISC #115/2001; No. 2086c/2001

Now This 27th day of March, 2001, the Court hereby adopts Luzerne County Rules of Judicial Administration Nos. 101, 507, 1901, 5000.5 and 5000.7 to be effective thirty (30) days after the date of publication in the *Pennsylvania Bulletin*. Luzerne County Court Rules 283 and 506 and Administrative Order 1999-001, May 26, 1999 are hereby repealed, effective thirty (30) days after the date of publication in the *Pennsylvania Bulletin*.

It is further ordered that the District Court Administra-tor shall file seven (7) certified copies of these Rules with the Administrative Office of Pennsylvania Courts, two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy to the Judicial Council of Pennsylvania Statewide Rules Committee, and one (1) copy to the *Luzerne Legal Register* for publication in the next issue.

It is further ordered that these local rules shall be kept continuously available for public inspection and copying

in the Offices of the Prothonotary, Clerk of Courts and Register of Wills.

By the Court

JOSEPH M. AUGELLO,
President Judge

Rule 101. Title and Citation of Rules.

These rules shall be known as the Luzerne County Rules of Judicial Administration and may be cited as "Luz.Co.R.J.A. No. . . ."

Rule 507. Court Records.

A. The prothonotary, clerk of court and register of wills shall be responsible for the safekeeping of records in their respective offices. No person other than an office employee, judge, an attorney admitted to practice in Pennsylvania, or persons designated by a judge may have unsupervised access to records. All records, except records under seal or impounded by order of court or operation of law, shall be available for public inspection during regular business hours. Unless otherwise directed by the court, copies of notes of testimony shall be procured from the court reporter as authorized by the Rules of Judicial Administration. The term copy includes any form of reproduction including the use of data disks, electronic transmittal or facsimile. Unless prohibited by order or rule of court or operation of law copies of papers other than notes of testimony shall be available to the public for a reasonable fee.

B. Documents bearing original signature such as wills, deeds, judgment notes, bonds, mortgages, leases, etc., and notes of testimony taken in any proceeding shall not be removed from the office of the prothonotary, clerk of court or register of wills, except for use in any judicial proceeding, without special allowance by the court upon cause shown. No other documents, pleadings or papers, except those removed for the use of the court shall be taken from any of the said offices without permission of the prothonotary, clerk of court or register of wills or any deputy and without the giving of a written receipt therefore. All papers, pleadings and documents, other than those which may be removed for the use of the court, court appointed master or pursuant to a special allowance by the court shall be returned to the office within a period of forty-eight (48) hours from the time of the removal. Special allowance by the court is required in all instances where the applicant is not an attorney of record in the case.

C. In all cases of removal of any papers, pleadings and documents, with or without an order of court, the person removing the same shall give a receipt therefor, in such form as is required by the prothonotary, clerk of court or register of wills or any deputy, which receipt shall indicate the caption of the action to which the papers, pleadings and documents pertain, the names of the parties and the date of removal.

D. If a person fails to return the documents within the aforesaid forty-eight (48) hour period after removal, the person removing the same shall be considered in default and shall not be permitted to remove any other papers from any office while such default continues, without a special order of court. The prothonotary, clerk of court or register of wills or deputy in cases of default shall forthwith report the matter to the District Court Administrator for appropriate action by the court.

E. All electronic, computer or imaging systems used for the filing, storage or retrieval of court records shall be approved by the district court administrator and shall comply with the requirements of the Administrative

Office of Pennsylvania Courts, if any. The prothonotary, register of wills or clerk of courts shall not permit electronic or other access to court records from locations outside their offices nor post court records on the Internet, the Worldwide Web or other such services, such as the use of a Webmaster or Internet service provider, without the approval of the district court administrator. The approval of the district court administrator shall be subject to the provisions of law, rules of court and the directives of the Administrative Office of Pennsylvania Courts. Except as required by law or rule of court, documents bearing original signatures such as wills, deeds, judgment notes, bonds, mortgages, leases, etc. and notes of testimony in any proceeding shall not be posted by the prothonotary, register of wills or clerk of courts on the Internet, the Worldwide Web or other such services, such as the use of a webmaster or Internet service provider, without special allowance by the court.

F. Nothing contained in this rule pertaining to the removal of papers, pleadings and documents shall prevent the issuance of a subpoena duces tecum for any document, pleading or paper filed in said office. Further, this rule does not authorize the release of any record or document impounded or sealed by order of the court or by operation of law.

Rule 1901. Termination of Inactive Cases.

(a) The prothonotary shall list for general call after October 1st of each year all civil matters in which no steps or proceedings have been taken for two years or more prior thereto and shall give notice thereof to counsel of record, and to the parties for whom no appearance has been entered, as provided by Pa.R.J.A. No. 1901(c). If no action is taken or no written objection docketed in such a matter prior to the commencement of the general call, the prothonotary shall strike the matter from the list and enter an order as of course dismissing the matter with prejudice for failure to prosecute, under the provisions of this rule. If no good cause for continuing a matter is shown at the general call, an order shall be entered forthwith by the court for dismissal.

(b) The clerk of courts shall list for general call after October 1st of each year all criminal proceedings in which no steps or proceedings have been taken for two years or more prior thereto and shall give notice thereof to the district attorney, any private prosecutor and the defendant, as provided by Pa.R.J.A. 1901(c). If no good cause for continuing a proceeding is shown at the general call, an order for dismissal shall be entered forthwith by the court.

(c) The dates and times of the general calls shall be approved by the president judge.

(d) Each district justice on or before April 1st of each year after thirty (30) days' written notice to parties and counsel shall dismiss without prejudice any civil or criminal proceeding in which no action has been taken for a continuous period of two (2) full years or more as of January 1st of each year. On or before May 1st of each year each district justice shall transmit to the district court administrator a written report of all inactive matters together with the reason for nontermination or the date of dismissal.

Rule 5000.5. Requests for Transcripts.

1. Court reporters shall prepare transcripts for all completed trials and hearings in chronological order

based upon the date of the receipt of the transcription order or request, or the date of the deposit of the partial transcription fee, whichever date is later. Only the presiding judge may direct the court reporter to complete a given transcript or transcripts out of chronological sequence.

2. Should a court reporter be unable to comply with the deadlines set by the applicable state rules or specific orders of the court in a given case, the court reporter shall immediately advise his or her immediate supervisor and the judge or judges involved of that fact.

3. All court reporters shall file with the chief court reporter a monthly report of ordered or requested transcripts in chronological order indicating the date of each order/request/deposit, the approximate length of the record ordered to be transcribed, the status of the transcription, and the expected date of lodging.

4. Where a court reporter is unable to meet applicable deadlines for transcription, the chief court reporter, after consultation with the judge or judges involved, and with the approval of the district court administrator, may temporarily remove a court reporter from courtroom duties or direct that alternative means for completing the transcription be used. Any reprioritizing of the chronological preparation of transcripts, except as provided in paragraph 1 of this Rule, will require the advance approval of all judges affected thereby.

Rule 5000.7. Fees for Transcripts.

(a)(1) When a person or entity other than the Commonwealth or one of its political subdivisions requests a transcript, such person or entity shall be liable for the costs of the original transcript at the rate of \$2.50 for each page thereof and shall pay the court reporter one-half (1/2) the estimated cost for the transcript at the time such person or entity requests the transcript, and the balance upon completion of the transcript. The court reporter shall not be required to start the transcription until such advance payment is made in full, but when such advance has been paid, the court reporter shall begin the transcription of his or her notes as requested pursuant to Luz. R.J.A. 5000.5.

(i) upon completion of the transcript and full payment received, and with the approval of the presiding judge, the court reporter shall lodge and file the original transcript of record and shall deliver one (1) complete and legible copy thereof

a. to the person or entity who ordered the transcript, if, but only if, such person or entity has paid the balance due for the transcript to the court reporter in full, calculated at the rate of \$2.50 for each page of original transcript.

(ii) Where the Commonwealth, or any political subdivision, requests a copy of the transcript, the court reporter shall provide the Commonwealth, or political subdivision thereof, with a complete and legible copy thereof without charge;

(iii) Where any person or entity, other than the Commonwealth, or a political subdivision thereof, requests a copy of the transcript, such person or entity shall purchase the same by paying the court reporter \$1.10 for each page of complete and legible copy.

(2) When the Commonwealth or one of its political subdivisions requests a transcript, the Commonwealth or

such political subdivisions, shall be liable for the cost of the original transcript at the rate of \$2.00 for each page thereof, and

(i) the court reporter, upon receipt of the transcript request, shall begin the transcription of his or her notes as directed by the transcript order pursuant to Luz. R.J.A. 5000.5.

(ii) upon completion of the transcript, the court reporter shall lodge and file the original transcript of record and shall deliver one (1) complete and legible copy thereof

a. to the Commonwealth or political subdivision requesting the transcript.

(iii) upon completion of the transcript, the court reporter shall promptly prepare a voucher to the County of Luzerne to be approved by signature of the presiding judge for payment to the court reporter for said transcript.

(iv) where the Commonwealth or a political subdivision thereof requests a copy of the transcript, but is not liable for the costs of the original transcript, the court reporter shall provide the entity with a complete and legible copy thereof without charge.

(3) Where the County of Luzerne is liable for the cost,

(i) the court reporter, upon receipt of the transcript order, shall begin the transcription of his or her notes as directed by the transcript order pursuant to Luz. R.J.A. 5000.5

(ii) upon completion of the transcript, and with the approval of the presiding judge, the court reporter shall lodge and file the original transcript of record and shall deliver one (1) complete and legible copy to each of the following without charge:

a. to any party proceeding in forma pauperis; and

b. to any person or entity, including but not limited to the Commonwealth, or any of its political subdivisions, county solicitor, and/or judge.

(iii) upon completion of the transcript, the court reporter shall promptly prepare a voucher to the County of Luzerne to be approved by signature of the presiding judge for payment to the court reporter for said transcript.

(c) Accelerated schedule: the court reporter shall be compensated at two times the standard rate for an expedited copy and three times the standard rate for a daily copy.

(d) Any judge of the court, the district attorney, and county solicitor shall each be entitled to a copy of the transcript in any proceeding upon request without charge. In such case, the county shall be liable for the costs of preparing the original transcript whenever no other person or entity is otherwise liable for the cost thereof pursuant to paragraph (3) (iii) above.

(e) Nothing in this rule shall authorize delivery of a transcript, or copy thereof, in a proceeding where the record is impounded, to any person or entity not otherwise entitled to the same.

[Pa.B. Doc. No. 01-632. Filed for public inspection April 13, 2001, 9:00 a.m.]

SCHUYLKILL COUNTY
Rules of Civil Procedure; S-662-01

And Now, this 29th day of March, 2001, at 1:10 p.m., the Court hereby adopts Schuylkill County Rules of Civil Procedure 1910.12(e)(1) and (2) for use in the Court of Common Pleas of Schuylkill County, Pennsylvania (21st Judicial District). This rule shall be effective thirty days after publication in the *Pennsylvania Bulletin*.

The Prothonotary of Schuylkill County is Ordered and Directed to do the following:

- 1) File ten (10) certified copies of this Order and Rule with the Administrative Office of Pennsylvania Courts.
- 2) File two (2) certified copies of this Order and Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* together with a diskette reflecting the text in the hard copy version.
- 3) File one (1) certified copy of this Order and Rule with the Pennsylvania Civil Procedural Rules Committee.
- 4) Forward one (1) copy to the Schuylkill County Law Library for publication in the *Schuylkill Legal Record*.
- 5) Keep continuously available for public inspection copies of this Order and Rule.

By the Court

WILLIAM E. BALDWIN,
President Judge

Rule 1910.12.

(e)(1) In complex contested matters which require the hearing to be continued in progress, the Master may assess additional Master's fees of \$100.00 per each additional hearing day. Each additional conference, beyond the first, shall be considered for these purposes as a hearing.

(2) Where additional Master's fees are assessed, the moving party shall deposit the fee with the Prothonotary and concurrently file a Praecipe substantially in the following form:

(CAPTION)
PRAECIPE FOR DEPOSIT OF ADDITIONAL
MASTER'S FEE

To the Prothonotary:

As directed by the Master in the above captioned case, deposit the sum of \$____.00 for _____ additional Master's Hearing days in compliance with Sch.R.C.P.1910.12(e).

 Attorney for (Plaintiff/Defendant)

Received this day the sum of \$____.00, additional Master's fee in the above captioned case.

 Prothonotary

[Pa.B. Doc. No. 01-633. Filed for public inspection April 13, 2001, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

Notice is hereby given that Laura Ann Campanella having been suspended from the practice of law in the State of Florida for a period of ninety-one days, the Supreme Court of Pennsylvania issued an Order dated April 2, 2001, suspending Laura Ann Campanella from the practice of law in this Commonwealth, for period of ninety-one days, effective May 2, 2001. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
Executive Director & Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 01-634. Filed for public inspection April 13, 2001, 9:00 a.m.]

RULES AND REGULATIONS

Title 31—INSURANCE

INSURANCE DEPARTMENT

[31 PA. CODE CH. 3]

Allocation of Joint Expenses

The Insurance Department (Department) by this order deletes Chapter 3 (relating to allocation of joint expenses) to read as set forth at 30 Pa.B. 5019 (September 30, 2000). The chapter applied to property and casualty insurers, the State Workmen's Insurance Fund and title insurers. The chapter prescribed accounting rules for allocation of joint expenses in financial statements.

Purpose

The purpose of this rulemaking is to delete Chapter 3 to eliminate obsolete, unnecessary regulations. The regulations were initially adopted October 21, 1949, and last amended July 7, 1970, under the authority of the act of May 9, 1949 (P. L. 1025, No. 289) (40 P. S. §§ 1261—1264) (act). Specifically, sections 1 and 2 of the act (40 P. S. §§ 1261 and 1262) require property and casualty insurers, the State Workmen's Insurance Fund and title insurers to maintain uniform classifications of accounts and records as may be prescribed by the Insurance Commissioner (Commissioner) and, in addition, to file reports in a form determined by the Commissioner. The regulations were adopted to prescribe uniform accounting rules for the allocation of joint expenses in financial reports filed with the Commissioner. Joint expenses are expenses shared among members of a group of entities.

Section 320(a) of The Insurance Company Law of 1921 (40 P. S. § 443(a)) requires insurers to file annual financial statements and, as amended by the act of December 18, 1992 (P. L. 792, No. 176), states in pertinent part:

(a)(1) Every stock and mutual insurance company, association, and exchange, doing business in this Commonwealth, shall annually, on or before the first day of March, file in the office of the Insurance Commissioner and with the National Association of Insurance Commissioners a statement which shall exhibit its financial condition on the thirty-first day of December of the previous year[. . .] The Insurance Commissioner shall require each insurance company, association and exchange to report its financial condition on the statement convention blanks, in such form as adopted by the National Association of Insurance Commissioners[. . .] and may make such changes, from time to time, in the form of the same as shall seem best adapted to elicit from them a true exhibit of their financial condition.

(2) Unless otherwise provided by law, regulation or order of the Insurance Commissioner, each insurance company, association and exchange shall adhere to the annual or quarterly statement instructions and the accounting practices and procedures manuals prescribed by the National Association of Insurance Commissioners[. . .]

Under the authority of the act and section 320 of The Insurance Company Law of 1921, the Commissioner has determined that the annual statement instructions and the accounting practices and procedures manual (manual) prescribed by the National Association of Insurance Commissioners (NAIC) sufficiently address the allocation of

joint expenses. Specifically, Statement of Statutory Accounting Principles No. 70 in the manual establishes statutory accounting principles for the apportionment of shared expenses and refers to the applicable annual statement instructions. The regulations codified in Chapter 3 in no manner enhance the NAIC instructions and manual. In addition, §§ 3.4(a) and 3.6 (relating to records required; and other applicable instructions) refer to requirements in Chapter 9 that have been deleted effective August 8, 1998. Therefore, the regulations are outdated and are no longer needed.

Statutory Authority

This final-form rulemaking is adopted under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412), the act and section 320 of The Insurance Company Law of 1921.

Comments

Notice of the proposed rulemaking was published at 30 Pa.B. 5019 with a 30-day public comment period.

No comments were received from the standing committees. The Insurance Federation of Pennsylvania, Inc., commented in support of the proposed rulemaking to delete the regulations. On November 30, 2000, the Independent Regulatory Review Commission (IRRC) notified the Department that IRRC had no objections, comments or suggestions to offer on the proposed rulemaking.

Fiscal Impact

The deletion of the regulations has no fiscal impact on State government, the general public, political subdivisions or the private sector.

Paperwork

The deletion of the regulations will impose no additional paperwork requirements on the Department or insurers.

Persons Regulated

The deletion of the regulations affects property and casualty insurers, the State Workmen's Insurance Fund and title insurers.

Contact Person

Questions or comments regarding this final-form rulemaking may be addressed in writing to Peter J. Salvatore, Regulatory Coordinator, Insurance Department, Office of Special Projects, 1326 Strawberry Square, Harrisburg, PA 17120, (717) 787-4429. Questions and comments may also be e-mailed to psalvatore@state.pa.us or faxed to (717) 705-3873.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 21, 2000, the Department submitted a copy of the proposed rulemaking to IRRC and to the Chairpersons of the Senate Committee on Banking and Insurance and the House Committee on Insurance. In addition to the submitted rulemaking, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the agency in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation."

In compliance with section 5(c) of the Regulatory Review Act, the Department also provided IRRC and the

Committees with copies of the comments received. A copy of that material is available to the public upon request.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), this final-form rulemaking was deemed approved by the Senate and House Committees on March 14, 2001. IRRC met on March 22, 2001, and the proposal was deemed approved in accordance with section 5(g) of the Regulatory Review Act.

Findings

The Commissioner finds that:

(1) Public notice of intention to adopt this rulemaking as amended by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of this rulemaking in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statutes.

Order

The Commissioner, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 31 Pa. Code Chapter 3, are amended by deleting §§ 3.1—3.6 to read as set forth at 30 Pa.B. 5019.

(b) The Commissioner shall submit this order and 30 Pa.B. 5019 to the Office of General Counsel and Office of Attorney General for approval as to form and legality as required by law.

(c) The Commissioner shall certify this order and 30 Pa.B. 5019 and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 31 Pa.B. 1925 (April 7, 2001).)

Fiscal Note: Fiscal Note 11-201 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 01-635. Filed for public inspection April 13, 2001, 9:00 a.m.]

INSURANCE DEPARTMENT [31 PA. CODE CH. 11] Miscellaneous Provisions

The Insurance Department (Department) by this order amends Chapter 11 (relating to miscellaneous provisions) to read as set forth at 30 Pa.B. 5020 (September 30, 2000). Except as otherwise provided, Chapter 11 applies to property and casualty insurance companies, associations, exchanges and employees' mutual liability associations and organizations, including the State Workmen's Insurance Fund; Chapter 11 does not apply to title insurance. The final-form regulations clarify charges made by the Department in filing or certifying records; and prescribe accounting rules for reporting electronic data processing equipment, allocating commission on

sliding scale or guaranteed profit reinsurance contracts, and classifying and allocating salvage and subrogation recovery expenses.

Purpose

The purpose of these final-form regulations is to update Chapter 11 by eliminating obsolete and unnecessary provisions and by updating and clarifying the scope of the accounting rules in the final-form regulations.

Sections 1 and 2 of the act of May 9, 1949 (P. L. 1025, No. 289) (act) (40 P. S. §§ 1261 and 1262) require property and casualty insurers, the State Workmen's Insurance Fund and title insurers to maintain uniform classifications of accounts and records as may be prescribed by the Insurance Commissioner (Commissioner) and, in addition, to file reports in a form determined by the Commissioner. Further, section 320(a) of The Insurance Company Law of 1921 (40 P. S. § 443(a)), as amended by the act of December 18, 1992 (P. L. 792, No. 176), states in pertinent part:

(a)(1) Every stock and mutual insurance company, association, and exchange, doing business in this Commonwealth, shall annually, on or before the first day of March, file in the office of the Insurance Commissioner and with the National Association of Insurance Commissioners a statement which shall exhibit its financial condition on the thirty-first day of December of the previous year [...] The Insurance Commissioner shall require each insurance company, association and exchange to report its financial condition on the statement convention blanks, in such form as adopted by the National Association of Insurance Commissioners [...] and may make such changes, from time to time, in the form of the same as shall seem best adapted to elicit from them a true exhibit of their financial condition.

(2) Unless otherwise provided by law, regulation or order of the Insurance Commissioner, each insurance company, association and exchange shall adhere to the annual or quarterly statement instructions and the accounting practices and procedures manuals prescribed by the National Association of Insurance Commissioners [...]

Under the authority of the act and section 320 of The Insurance Company Law of 1921, the Commissioner has determined that the annual statement instructions and the accounting practices and procedures manual (manual) prescribed by the National Association of Insurance Commissioners (NAIC) sufficiently address the reporting of electronic data processing equipment and software and commission on reinsurance contracts for all insurers subject to the act and section 320 of The Insurance Company Law of 1921. Specifically, Statements of Statutory Accounting Principles Nos. 16, 61 and 62 in the NAIC manual establish statutory accounting principles for electronic data processing equipment and software and commission on reinsurance contracts. Sections 11.4—11.6 (relating to reporting of computer or data processing equipment; "sliding scale" or "guaranteed profit" contracts; example of "sliding scale" and "guaranteed profit" contract) in no manner enhance the NAIC instructions and manual. Therefore, §§ 11.4—11.6 are outdated and are no longer needed.

The Commissioner has further determined that the accounting rules in § 11.7 (relating to salvage and subrogation recovery expenses) continue to be needed to supplement the NAIC instructions and manual. Section 11.7 provides specific guidance on the types of expenses

that shall be treated as salvage expense and on proper billing procedures when insurers use outside agencies to perform salvage activities. The NAIC instructions and manual do not include the accounting rules in § 11.7, and the Commissioner believes these rules are needed to provide adequate instructions for reporting salvage and subrogation recovery expenses. Therefore, § 11.7 is being retained in the final-form regulations.

Finally, because §§ 11.4—11.6 are being deleted and the accounting rules in § 11.7 apply only to property and casualty insurance, § 11.1 (relating to applicability) is being deleted and provisions relating to the authority and scope of § 11.7 are being included as new subsections (a) and (b) in § 11.7. These amendments will clarify the scope of the subsections in Chapter 11.

Statutory Authority

These final-form regulations are adopted under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412), the act and section 320 of The Insurance Company Law of 1921.

Comments

Notice of the proposed rulemaking was published at 30 Pa.B. 5020 with a 30-day public comment period.

No comments were received from the standing committees. The Insurance Federation of Pennsylvania, Inc., commented in support of the proposed rulemaking. On November 30, 2000, the Independent Regulatory Review Commission (IRRC) notified the Department that IRRC had no objections, comments or suggestions to offer on the proposed regulations.

Fiscal Impact

The final-form regulations have no fiscal impact on State government, the general public, political subdivisions or the private sector.

Paperwork

The final-form regulations will impose no additional paperwork requirements on the Department or affected insurers.

Persons Regulated

The final-form regulations affect stock and mutual insurance companies, associations and exchanges required to file financial statements with the Commissioner.

Contact Person

Questions or comments regarding the final-form regulations may be addressed in writing to Peter J. Salvatore, Regulatory Coordinator, Insurance Department, Office of Special Projects, 1326 Strawberry Square, Harrisburg, PA 17120, (717) 787-4429. Questions and comments may also be e-mailed to psalvatore@state.pa.us or faxed to (717) 705-3873.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 21, 2000, the Department submitted a copy of the notice of proposed rulemaking to IRRC and to the Chairpersons of the Senate Committee on Banking and Insurance and the House Committee on Insurance for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period. A copy of that material is available to the public upon request.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), on March 14, 2001, these final-form regulations were deemed approved by the House and Senate Committees. Under section 5(g) of the Regulatory Review Act, IRRC met on March 22, 2001, and the final-form regulations were deemed approved.

Findings

The Commissioner finds that:

(1) Public notice of intention to adopt these final-form regulations by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of these final-form regulations in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statutes.

Order

The Commissioner, acting under the authorizing statutes, orders that:

(1) The regulations of the Department, 31 Pa. Code, Chapter 11, are amended by deleting §§ 11.1, and 11.4—11.6 and amending § 11.7 to read as set forth at 30 Pa.B. 5020.

(2) The Commissioner shall submit this order and 30 Pa.B. 5020 to the Office of General Counsel and Office of Attorney General for approval as to form and legality as required by law

(3) The Commissioner shall certify this order and 30 Pa.B. 5020 and deposit them with the Legislative Reference Bureau as required by law.

(4) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 31 Pa.B. 1925 (April 7, 2001).)

Fiscal Note: Fiscal Note 11-202 remain valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 01-636. Filed for public inspection April 13, 2001, 9:00 a.m.]

INSURANCE DEPARTMENT

[31 PA. CODE CH. 147]

Annual Audited Insurers' Financial Report Required

The Insurance Department (Department) by this order amends Chapter 147 (relating to annual audited insurers' financial report required) to read as set forth in Annex A. The regulations require insurers to have annual audits of their year-end financial statements conducted by independent certified public accountants.

Purpose

The purpose of this rulemaking is to update Chapter 147, commonly referred to as the CPA Audit Rule, to reflect current statutory accounting practices and procedures adopted by the National Association of Insurance Commissioners (NAIC). The regulations prescribe require-

ments for annual audits of financial statements filed by insurers with the Department. The regulations were adopted in 1979 and last amended November 11, 1995. The regulations are based on a model regulation adopted by the NAIC and are included in the NAIC's state accreditation standards for regulation of the financial solvency of the insurance industry. The Commonwealth is currently accredited by the NAIC for compliance with the financial regulation standards. In 1998, the NAIC revised the model regulation to make it consistent with the NAIC's codified *Accounting Practices and Procedures Manual* (manual) effective January 1, 2001. Insurers subject to these regulations have been advised by Department Notice Nos. 1998-04 and 2000-02 that they will be required to adhere to the manual in preparing financial statements to be filed with the Department. This rulemaking will update the regulations to be consistent with the manual and the 1998 revisions to the NAIC model regulation.

This rulemaking amends § 147.4 (relating to contents of annual audited financial report) to address technical issues involving disclosures required in audit reports to be filed under the requirements of the manual.

Section 147.4(2) currently requires the notes to financial statements in annual audited financial reports to include notes required by generally accepted accounting principles (GAAP). Because the Statements of Statutory Accounting Principles (SSAPs) contained in the manual now address all types of required disclosures, the reference to GAAP is no longer needed and has been replaced with a reference to the manual. Section 147.4(2)(i) has been further amended to clarify that the notes shall include a reconciliation of any differences between the audited financial statement and the annual financial statement that the insurer has filed with the Department. Finally, § 147.4(2)(ii) has been deleted because a summary of the ownership and relationships of the insurer and all affiliated companies is required under SSAP No. 1 (relating to disclosure of accounting policies, risks and uncertainties, and other disclosures) in the manual. This amendment will eliminate potentially confusing inconsistencies between the regulations and the manual.

Statutory Authority

This final-form rulemaking is adopted under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412) relating to the general rulemaking authority of the Department; section 320 of The Insurance Company Law of 1921 (40 P. S. § 443) relating to the authority of the Commissioner to require insurers to file statements concerning their affairs and financial condition; section 1605(a)(3)(ii) of The Insurance Company Law of 1921 (40 P. S. § 1605(a)(3)(ii)); sections 205 and 206 of The Pennsylvania Fair Plan Act (40 P. S. §§ 1600.205 and 1600.206); 40 Pa.C.S. §§ 6125, 6331 and 6701; sections 11 and 14 of the Health Maintenance Organization Act (40 P. S. §§ 1561 and 1564); section 630 of the act of May 17, 1921 (P. L. 682, No. 284) (40 P. S. § 764a); sections 7 and 25 of the Continuing Care Provider Registration and Disclosure Act (40 P. S. §§ 3207 and 3225); and section 602 of the Fraternal Benefit Societies Code (40 P. S. § 1142.602) which, respectively, relate to the specific regulatory and rulemaking authority of the Department regarding financial reporting by surplus lines insurers, the Pennsylvania Fair Plan, hospital plan corporations, health services plan corporations, health maintenance organizations, preferred provider organizations; and continuing care providers and fraternal benefit societies.

Comments

Notice of the proposed rulemaking was published at 30 Pa.B. 5023 (September 30, 2000) with a 30-day public comment period.

No comments were received from the standing committees. The Insurance Federation of Pennsylvania, Inc., commented in support of the proposed rulemaking. The Independent Regulatory Review Commission (IRRC) submitted its comments and recommendations to the Department on November 30, 2000.

IRRC recommended that the phrase "and other applicable laws and regulations" in § 147.4(b)(2) be deleted or clarified. Section 147.4(b)(2) requires an annual audited financial report to include a reconciliation of differences, if any, between the audited statutory financial statements and the annual statements already on file with the Department. A reference to the specific laws and regulations that require the filing of annual statements with the Department is not needed to understand the meaning and intent of § 147.4(b)(2). Therefore, the Department has responded to IRRC's comment by deleting the phrase "under section 320 of The Insurance Company Law of 1921 (40 P. S. § 443) and other applicable laws and regulations" in this final-form rulemaking.

Fiscal Impact

The final-form rulemaking has no fiscal impact on State government, the general public, political subdivisions or the private sector.

Paperwork

The final-form rulemaking would impose no additional paperwork requirements on the Department or affected insurers.

Persons Regulated

The final-form rulemaking applies to insurance companies, other insurer entities and continuing care providers licensed to transact business in this Commonwealth and the independent certified public accountants retained by those insurers to conduct annual audits.

Contact Person

Questions or comments regarding this final-form rulemaking may be addressed in writing to Peter J. Salvatore, Regulatory Coordinator, Insurance Department, Office of Special Projects, 1326 Strawberry Square, Harrisburg, PA 17120, (717) 787-4429. Questions and comments may also be e-mailed to psalvatore@state.pa.us or faxed to (717) 705-3873.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 21, 2000, the Department submitted a copy of this proposed rulemaking to IRRC and to the Chairpersons of the Senate Committee on Banking and Insurance and the House Committee on Insurance. In addition to the submitted proposed rulemaking, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation."

In compliance with section 5(c) of the Regulatory Review, the Department also provided IRRC and the Committees with copies of the comments received. A copy of that material is available to the public upon request.

This final-form regulation was deemed approved by the Senate and House Committees on March 14, 2001, in

accordance with section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)). IRRC met on March 22, 2001, and approved the final-form regulation in accordance with section 5.1(e) of the Regulatory Review Act.

Findings

The Commissioner finds that:

(1) Public notice of intention to adopt this rulemaking as amended by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202), and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of this rulemaking in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statutes.

Order

The Commissioner, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 31 Pa. Code Chapter 147, are amended by amending § 147.4 to read as set forth in Annex A.

(b) The Commissioner shall submit this order and Annex A to the Office of General Counsel and Office of Attorney General for approval as to form and legality as required by law.

(c) The Commissioner shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document see 31 Pa.B. 1925 (April 7, 2001).)

Fiscal Note: Fiscal Note 11-203 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 31. INSURANCE

PART VIII. MISCELLANEOUS PROVISIONS

CHAPTER 147. ANNUAL AUDITED INSURERS' FINANCIAL REPORT REQUIRED

§ 147.4. Contents of annual audited financial report.

(a) The annual audited financial report shall reflect the financial condition of the insurer as of the end of the most recent calendar year and the results of its operations, cash flows and changes in capital and surplus for the year then ended in conformity with statutory accounting practices prescribed, or otherwise permitted, by the Department. Statutory accounting practices are those practices and procedures prescribed by the *Accounting Practices and Procedures Manuals* published by the National Association of Insurance Commissioners, or as otherwise prescribed or provided by specific statutes, regulations, orders or rulings of the Commonwealth or the Department.

(b) The annual audited financial report shall, at a minimum, include the following:

(1) Financial statements that present in a comparable manner, as of the end of the current and the preceding calendar year, the financial condition of the insurer, including the following:

(i) Balance sheet reporting admitted assets, liabilities, capital and surplus.

(ii) Statement of operations.

(iii) Statement of cash flows.

(iv) Statement of changes in capital and surplus.

(2) Notes to financial statements. These notes shall be those required by the appropriate National Association of Insurance Commissioners Annual Statement Instructions and *Accounting Practices and Procedures Manual*. The notes shall include a reconciliation of differences, if any, between the audited statutory financial statements and the annual statements filed with the Department, with a written description of the nature of these differences, particularly with respect to surplus or stockholder equity and the results of operations. The insurer shall file an amendment to its annual statement with the Department, the National Association of Insurance Commissioners and other states in which the insurer is licensed, to reflect differences between the audited statutory financial statement and the annual statement filed with the Department within 60 days of the filing date of the audited financial report. The Commissioner may require amendments to financial statements to be filed with the Department and the National Association of Insurance Commissioners on diskettes or other electronic information storage devices acceptable to the Commissioner.

(3) The report of an independent certified public accountant prepared in compliance with this chapter, including notification of adverse financial condition, report on significant deficiencies in internal controls and letter of qualifications of the independent certified public accountant.

(c) The financial statements included in the audited financial report shall be prepared in a form and using language and groupings substantially the same as the relevant sections of the annual statement of the insurer filed with the Department, and the financial statements shall be comparative, presenting the amounts as of December 31 of the current year and the amounts as of the immediately preceding December 31. In the first year in which an insurer is required to file an audited financial report, the comparative data may be omitted if sufficient detail is made available to the Department upon request. An account which represents less than 5% of the insurer's admitted assets may be aggregated for reporting purposes, except that all invested asset accounts shall be separately reported.

(d) If an error is discovered after a report is filed, the accountant shall withdraw the report and issue a corrected report within 30 days of discovery of the error. To the extent that the error requires an amendment to the insurer's annual financial statement filed with the Department, the insurer shall file an amendment under subsection (b)(2).

[Pa.B. Doc. No. 01-637. Filed for public inspection April 13, 2001, 9:00 a.m.]

Title 52—PUBLIC UTILITIES

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA.CODE CH. 62]

[L-00000149]

Customer Information Disclosure Requirements for Natural Gas Distribution Companies and Natural Gas Suppliers

The Pennsylvania Public Utility Commission (Commission) on November 29, 2000, adopted a final rulemaking order establishing regulations governing information provided on customer bills. The contact persons are Ahmed Kalolo, Bureau of Conservation, Economics and Energy Planning, (717) 787-2139 and Lawrence F. Barth, Law Bureau, (717) 772-8579.

Executive Summary

On June 22, 1999, Governor Tom Ridge signed into law the Natural Gas Choice and Competition Act, 66 Pa.C.S. §§ 2201—2212 (act). The act revised 66 Pa.C.S. (relating to Public Utility Code) (code), so that the natural gas industry would be restructured so as to allow the retail sale of natural gas in an open market. In short, individual customers would be able to choose from independent suppliers of gas who would not necessarily be affiliated with the local gas utility.

In enacting this legislation, the General Assembly made it clear that information provided on customer bills and released to other parties should continue to be a matter for Commission oversight. See sections 2205(c)(2) and 2206(c) of the act (relating to duties of natural gas distribution companies; and consumer protections and customer service). To fulfill this obligation, the Commission convened a working group to develop suggestions which would assist the Commission in this area. Based upon the product of that group and upon our experience in the restructuring of the electric industry, we issued interim customer information guidelines.¹ These final-form regulations are intended to supplant the Interim Guidelines and govern the provision of customer information in the retail natural gas industry.

For retail natural gas users to enjoy the potential benefits available through competition, they not only must be able to compare prices, but to understand the terms of their natural gas service and, where possible, to compare the terms and conditions of service offered by different providers. The regulations will ensure that, to the greatest extent possible, these terms and conditions of service will be provided in a uniform fashion across this Commonwealth so as to ensure a smooth transition to full retail choice through the implementation of uniform Statewide procedures.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on May 11, 2000, the Commission submitted a copy of the notice of proposed rulemaking, published at 30 Pa.B. 2605 (May 27, 2000), to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committee for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the

comments received during the public comment period, as well as other documents when requested. In preparing these final-form regulations, the Commission has considered the comments from IRRC, the Committees and the public.

Under section 5.1(d) of the Regulatory Review Act (71 P.S. § 745.5a(d)), on February 21, 2001, these final-form regulations were deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on March 8, 2001, and approved the final-form regulations.

Public Meeting held
November 29, 2000

Commissioners Present: Robert K. Bloom, Vice Chairperson; Nora Mead Brownell; Aaron Wilson, Jr.; Terrance J. Fitzpatrick

Final Rulemaking Order

By the Commission:

On March 2, 2000, we adopted a proposed rulemaking order establishing customer information disclosure requirements for the natural gas industry in this Commonwealth. The order was entered on March 6, 2000, at Docket No. L-00000149. The regulations, which are required under sections 2205(c) and 2206(c) of the act, were undertaken as part of the implementation duties performed by the Commission under the act. Signed into law on June 22, 1999, by Governor Tom Ridge, the act revised the code by adding Chapter 22 (relating to natural gas competition) restructuring the natural gas utility industry.

By this final-form rulemaking order, we adopt regulations which require each natural gas supplier (NGS) to furnish adequate and accurate information that enables consumers to make informed choices regarding the purchase of all natural gas services offered by that provider. In general, our regulations mandate that all information shall be provided to customers in an understandable format that allows them to compare prices and services on a uniform basis. This is consistent with our policy statement in § 69.251 (relating to plain language—statement of policy) regarding the use of plain language in all written communications with consumers. Moreover, by this final rulemaking order, we direct that all natural gas providers strictly adhere to that policy statement.

To facilitate the establishment of interim requirements prior to the promulgation of regulations, we proposed a set of interim requirements regarding customer information disclosure. On October 20, 1999, after receiving and considering written comments, we adopted these interim guidelines.² Through this order and the final-form regulations in Annex A, we are adopting permanent regulations to supplant the interim guidelines. These final-form regulations will govern the provision of customer information in the retail natural gas industry.

The proposed regulations in Docket No. L-00000149 were published for comment in 30 Pa.B. 2605, with a 45-day comment period established. Written comments were provided by IRRC, the Office of Consumer Advocate (OCA), Community Legal Services, Inc. (CLS), CNG Retail Services Corporation (CNGR), the Consumer Advisory Council (CAC), the Pennsylvania Gas Association (PGA) and Lawrence G. Spielvogel, Inc. Discussions about the proposed rulemaking also occurred during meetings with IRRC.

¹ *Interim Customer Information Disclosure Requirements for Natural Gas Distribution Companies and Natural Gas Suppliers*, Docket No. M-00991249F0005, Order (Entered October 20, 1999).

² *Interim Customer Information Disclosure Requirements for Natural Gas Distribution Companies and Natural Gas Suppliers*, Docket No. M-00991249F0005, Order (Entered October 20, 1999).

Following review and consideration of the comments and discussions, the Commission has developed final-form regulations. The overall objective of these final-form regulations, of assuring that consumers have accurate and adequate information to meaningfully participate in a competitive market for natural gas, has not changed. However, in response to the persuasive comments of several interested parties, we have revised certain language in an effort to clarify many of the requirements. Each change is discussed in more detail.

Through these final-form regulations, we have attempted to achieve a balance between the need for customer information and the development of competition in the retail natural gas industry. In doing so, we recognize that the varied forms of customer communications, such as billing, disclosure statements, customer choice of supplier, products and prices, customer relations, licensing requirements and distribution services, are interrelated and are important aspects of customer information disclosure requirements.

It should also be noted that the Commission reserves the right to waive any or all requirements of these regulations upon petition by an affected party under § 5.43 (relating to petitions for issuance, amendment, waiver or repeal of regulations).

§ 62.72. Definitions

1. Definition of Disclosure Statement

a. Position of the Parties

The CLS and IRRC state it is confusing to use the two different terms "consumer contract" and "disclosure statement" as if they are interchangeable throughout the final-form regulations. IRRC suggests that we use the term disclosure statement and define it in § 62.72.

b. Resolution

We agree that it is better to settle on the use of a single term, disclosure statement, and that we should use that term consistently throughout these final-form regulations. We will delete the term consumer contract in § 62.72 and we will add the term disclosure statement and define it to indicate that it is a consumer contract.

2. Definition of Historical Billing Data

a. Position of the Parties

The PGA recommends that we modify the definition of "historical billing data" to delete dollar amounts billed, and to change the term to "historical usage data." The PGA questions the value to customers of the dollar amounts billed, an issue in § 62.76 (relating to request for information), and the sensitivity of small business customers to the release of data containing dollar amounts billed, an issue in § 62.78 (relating to privacy of customer information). The PGA makes a reference to electric industry data transfer (EDI) proceedings to support its position.

b. Resolution

The PGA raises two separate issues. First, we are not convinced that the dollar amount billed has no value to the customer in § 62.76. A combination of usage data and the dollar amounts billed allows the customer to calculate a cost per unit of usage and the annual amount billed. In addition, the dollar amounts billed are likely to be more meaningful to a customer than the usage amounts and just as helpful when shopping for natural gas supply.

Second, we believe that the PGA does not have a clear understanding of the privacy issue in § 62.78. The re-

lease of private information in these final-form regulations contain somewhat different private information than the private information contained in the enrollment process. In the enrollment process, the Commission gives the customer the ability to restrict the release of load data (usage data) to suppliers. However, once a customer chooses a supplier, the load data is automatically released to the supplier. The enrollment process does not address the release of data to third parties. That is where these final-form regulations come into play.

We use the term historical billing data so that we can combine load data and dollar amounts billed into a single piece of private information and this is consistent with our regulations for the electric industry. We see no relevance to the EDI proceedings for the electric industry. Since customers may be sensitive about the release of usage data and billed data to third parties, we believe it is necessary to provide them with the ability to restrict the release of the information.

3. Definitions of NGDC, NGS, Natural Gas Distribution Service, Natural Gas Supply Services and Retail Gas Customer

a. Position of the Parties

IRRC and the PGA suggest that we should revise our definition for NGS to be consistent with the definition in the act and IRRC further suggests the same for the definitions of "NGDC—natural gas distribution service," "NGS—natural gas supply services" and "retail gas customer."

b. Resolution

We agree with IRRC and the PGA and we will revise the definitions to reflect the definitions in the act.

4. Definition of Nonbasic Services

a. Position of the Parties

IRRC asks that we consider including some examples of nonbasic services in the definition.

b. Resolution

We will accommodate IRRC and we will add two examples of nonbasic services: gas line repair program and gas appliance warranty program.

§ 62.73. Standards and pricing practices for retail natural gas service

1. Glossary of Gas Terms for the Consumer

a. Position of the Parties

IRRC and the PGA point out that the document that appears on the Commission's website is titled Glossary of Gas Terms for the Consumer and asks why it is not referenced in § 62.73(3) and (4).

b. Resolution

We intend to change the name of the Glossary of Gas Terms for the Consumer to the Consumer's Dictionary for Natural Gas Competition. We will revise our website after these regulations become final. Since the Common Natural Gas Competition Terms document contains many of the same terms used in the Glossary (Dictionary), and is part of this regulation, we must wait for this regulations to become final before we can rename (from Glossary to Dictionary) and revise the Dictionary.

2. The Party Responsible for the Distribution of the Dictionary

a. Position of the Parties

IRRC states that it is unclear whether the phone number and address to be provided in § 62.73(3) are the NGDC's or the Commission's.

b. Resolution

We will revise paragraph (3) to clearly indicate that it is the NGDC's phone number and address.

3. Inclusion of a Cross-Reference to the Act for Consumer Education Programs

a. Position of the Parties

To improve the clarity of § 62.73(4), IRRC asks that we include a cross reference to section 2206(d) of the act, which mandates consumer education programs.

b. Resolution

We agree with IRRC and we will add the cross-reference to section 2206(d) of the act.

§ 62.74 Bill format for residential and small business customers

1. Definitions of Marketed Prices, Disclosure Statement Prices and Billed Prices

a. Position of the Parties

IRRC and the PGA ask what the difference is between marketed prices, the agreed upon prices in the disclosure statement and billed prices. IRRC suggests that we use a single term if all three terms have the same meaning or define them if each has a different meaning.

b. Resolution

There are three types of customer information where an NGS discloses pricing to customers: marketing materials, the written disclosure statement and the customer bill. Typically, these disclosures are given to a customer in that order. We believe it is imperative that the prices reflected in each of these types of customer information be consistent with each other. When a customer responds to a marketing piece of customer information and accepts a price offer from an NGS, we expect the written disclosure statement to reflect the marketed price. We then expect the billed price to reflect both the marketed price and the agreed upon price in the written disclosure statement. If there is a difference in pricing among these three pieces of customer information, then there is reason to suspect fraudulent behavior on the part of the NGS.

Finally, we agree with IRRC's suggestion to define the terms. Marketed prices are the disclosed prices on NGS marketing customer information. Disclosure statement prices are the disclosed NGS prices in the written disclosure statement. Billed prices are the disclosed NGS prices on the customer bill. We will revise §§ 62.72, 62.74(a), 62.75(a) and 62.77(a) accordingly.

2. Addition of Interstate Pipeline Transition Cost Surcharges as a Basic Charge

a. Position of the Parties

The PGA recommends that we add "interstate transition cost surcharges" to the list of basic charges in § 62.74(b)(3) because it is a charge approved by FERC and currently is a line item appearing on many NGDC bills.

b. Resolution

We agree with the PGA and we will revise the regulation accordingly.

3. Inclusion of Meter Readings

a. Position of the Parties

Spielvogel stated that meter readings should be included in this section.

b. Resolution

We do not agree that this information should be added here and point out that beginning and ending meter readings are already required § 56.15(2) (relating to meter reading; estimated billing; ratepayer readings).

4. EGS Contract Expiration Dates on Bills

a. Position of the Parties

Spielvogel contends that the supplier part of the bill format should include the month and year of the contract expiration. This would give customers ready access to this information without having to go back to the original contract.

b. Resolution

We agree with Spielvogel that contract expiration date reminders are useful but we disagree with placing that information on customer bills. Contract expiration dates apply only to customers that have a fixed term agreement with their NGS. It is important to note that not all customers have fixed term agreements. We believe that the contract expiration date is a written disclosure statement issue and not a billing issue. Also, we contend that it is better to keep billing and contract issues separate from both a cost effective and customer confusion standpoint. Finally, we point out that NGSs must provide two advance notices of contract expiration at about 90 and 60 days prior to the expiration date. We believe that we have provided adequate disclosure of the contract expiration date to customers.

5. Applicability of 52 Pa. Code § 56.15

a. Position of the Parties

IRRC and the CLS argue that we should delete the phrase "to the extent they apply" because there is no billing situation that is not subject to § 56.15.

b. Resolution

While we agree that portions of § 56.15 apply to NGSs, we point out, as examples, that §§ 56.15 (5), (12) and (13) do not apply to NGSs. However, it appears that we have confused the parties with the language § 62.74(b)(5) and we realize that a clarification will be helpful. Thus, we will revise "to the extent they apply" to read as follows: "to the extent that § 56.15 is applicable."

6. PUC Authority to Approve Bills

a. Position of the Parties

The CAC opines that the Commission should have the authority to approve bill formats as part of the licensing process.

b. Resolution

We appreciate the comment from CAC but we believe that the current system of requiring a billing entity to go through a Commission bill review prior to issuing bills to customers is a system that is working effectively. In some instances, a bill review is completed at the time of licensing. The timing of the bill review largely depends on when the billing entity develops billing capability.

7. *Statewide Standard Pricing Unit*

a. *Position of the Parties*

While the CAC understands that it may not be practical to mandate a Statewide standard pricing unit in ccfs, Mcfs or Dekatherms, CAC is concerned about the potential confusion that this presents. For example, a customer may relocate from one NGDC territory to another and the NGDCs have different standard pricing units.

b. *Resolution*

We maintain that the most effective standard pricing unit policy is to follow the current standard pricing unit of the NGDC. This requires no change from the current industry practice and customers will not need additional education. However, the CAC raises a valid concern where customer relocation involves a change in the standard pricing unit of its new NGDC. We currently rely on the education campaign of the new NGDC to include a discussion of its standard pricing unit. Our experience with the NGDCs' consumer education efforts has shown that they have adequately addressed this issue and the NGDCs do a good job of reeducating a customer that moves into their territory.

8. *Price to Compare Bill Message or Bill Insert*

a. *Position of the Parties*

Given the frequent changes to the gas supply price, the OCA recommends that the NGDCs be required to send a price to compare letter to customers once per year. In addition, the NGDCs should include a bill message or bill insert whenever the NGDC's price to compare changes, regardless of the frequency of the change.

b. *Resolution*

The requirement for the NGDC to send an annual price to compare letter is outside the scope of these regulations and it is addressed at Docket No. M-00991249F0009, Procedures Applicable to Natural Gas Distribution Companies and Natural Gas Suppliers During the Transition to Full Retail Choice, and at Docket No. M-001326, Creation and Implementation of a Statewide Consumer Education Program for Natural Gas Competition.

§ 62.75. Disclosure statement for residential and small business customers

1. *Toll-Free Telephone Numbers for NGDCs and NGSs*

a. *Position of the Parties*

The CLS contends that the expense of toll calls from a customer to an NGS is a deterrent to the development of the free flow of information concerning the conditions of natural gas supply. The CLS recommends that the Commission require NGSs to offer toll-free phone access. The IRRRC asks if we have considered requiring toll-free numbers as CLS suggests.

b. *Resolution*

We agree that toll-free access to NGSs has a positive effect on customer participation in the gas market. We have not mandated toll-free access because NGSs are routinely offering toll-free access to customers. NGSs realize the benefits of providing toll-free access and competitive pressures have resulted in the widespread use of toll-free numbers.

2. *Ceiling Price in the Variable Pricing Option*

a. *Position of the Parties*

The PGA argues that in order to accommodate the possibility that there may not be a ceiling price in a variable pricing statement, we should add "as applicable" to the end of the text.

b. *Resolution*

The PGA points out that the requirement to disclose a ceiling price in a variable pricing offer may not be necessary. We agree with the PGA, however, we recognize that we must then expand the conditions of variability requirement to include disclosure of the prescribed method of variability. Therefore, the NGS must clearly disclose its prescribed methodology for price variability. This clarification will eliminate the potential for vague language in the conditions of variability requirement. This clarification will enable the customer to make a more informed decision when accepting a variable pricing offer.

3. *Inclusion of Right of Rescission in the Contract*

a. *Position of the Parties*

The CLS suggests that consumer contracts should include a description of the 3-business days right of rescission.

b. *Resolution*

We agree with CLS and we include the language in § 62.75(d)(1).

4. *Clarification of the Use of the Term "Written Disclosure" at § 62.75(d)(2)*

a. *Position of the Parties*

CLS recommends that we clarify that "written disclosure," in § 62.75(d)(2), refers to the "written disclosure statement." This is important because the receipt of the written disclosure statement triggers the 3 day right of rescission.

b. *Resolution*

We agree with CLS and we will add the word "statement" after "disclosure" to eliminate the potential for customer confusion.

5. *Bundled Pricing*

a. *Position of the Parties*

The CAC argues that bundled prices encompassing many different services deprives the consumer of the pricing information they need about individual services necessary to make informed decisions.

b. *Resolution*

We agree with the CAC and clarify that we already require that each basic and nonbasic service must be separately disclosed.

6. *Contract Status when a Customer Moves*

a. *Position of the Parties*

The CAC asks that we make it clear that the contract is automatically voided when a customer moves.

b. *Resolution*

We agree with CAC and we will revise the regulations by adding the following language in § 62.75 (c)(7), "When a customer moves from one location to another, even if the move is within an NGDC's service territory, the agreement is cancelled."

7. *Cessation of Service*

a. *Position of the Parties*

The OCA recommends that the Commission clearly state that a cessation of service to the customer, either at the expiration of the fixed term agreement or during the fixed term agreement, requires the 90-day and 60-day notices.

b. Resolution

The issue of cessation of service is addressed by the Commission at Docket No. M-00001343, Interim Guidelines regarding Notification by a Natural Gas Supplier of Operational Changes Affecting Customer Service and Contracts. Thus, § 62.75(g) does not apply to cessation of service by an EGS.

8. Expiration Notices

a. Position of the Parties

The CNGR points out that the 90-day and 60-day notice requirements for contract expiration only makes sense for agreements with a term greater than 3 months. If we agree with the CNGR, IRRC asks us to clarify if renewal notices apply to the short-term agreements that are less than 4 months in duration.

b. Resolution

We agree with the CNGR and will add language to the effect that this applies to contracts with a term greater than 3 months in length in the appropriate place in § 62.75(g)(1). We have not seen any agreements for less than 4 months proposed by suppliers. However, if a supplier had an agreement for less than 4 months, then these regulations would not apply. We do not feel the short term agreements warrant advance customer notices. We would carefully review such agreements and we would pay particular attention to any renewal and cancellation provisions.

9. Clarification of the Meaning of the Term "Affirmatively Reselects"

a. Position of the Parties

IRRC asks that we offer a clarification of what the term "affirmatively reselects" means in § 62.75(g)(2).

b. Resolution

Simply defined, the term "affirmatively reselects" means that the customer accepts the new offer of the NGS verbally, in writing or electronically. There are a number of ways for the customer to convey the acceptance of the new NGS offer that constitute an affirmative reselection. The following are examples of an affirmative reselection: The customer initiates a telephone call to the NGS and during the conversation the customer accepts the new offer, the NGS initiates a telephone call to the customer and during the conversation the customer accepts the new offer, the customer accepts the new offer by signing a document and returning it to the NGS, or the customer acknowledges the acceptance of the new offer electronically, perhaps by checking a box on a form on the NGS' web site.

We will add these examples to the regulation in the interest of clarity.

10. Conversion from a Long Term to a Month-to-Month Agreement

a. Position of the Parties

IRRC questions what occurs if an NGS wants to convert a long-term agreement to a month-to-month contract. IRRC also asks if the customer has to positively reselect this option or will the conversion occur if there is

no action on the part of the customer. IRRC recommends that we address this type of conversion in the regulations.

b. Resolution

We agree with IRRC that we have not adequately addressed the continuation of a fixed term agreement to a month-to-month agreement when the customer does not respond to the notice. We will add the following language to § 62.75(g)(2). "A fixed term agreement may be converted to a month-to-month agreement, either at the same terms and conditions or at revised terms and conditions, as long as the agreement converts from a fixed term to a month-to-month agreement and contains no cancellation penalties, in the event that the customer does not respond to the notice. A fixed term agreement may be converted to another fixed term agreement as long as the new agreement includes a customer initiated cancellation provision that allows the customer to cancel at any time for any reason and contains no cancellation penalties, in the event that the customer does not respond to the notice."

§ 62.76. Request for information

1. Customer Requests for Energy Efficiency Information

a. Position of the Parties

The PGA assumes that there is no gas counterpart to the "green power" disclosure in the electric industry and recommends that we eliminate the requirement for NGDCs to provide efficiency information to customers upon request. IRRC asks that we choose between the use of "efficiency information" and "information on energy efficiency" and provide a definition for the term we choose.

b. Resolution

We disagree with the PGA because the NGDCs' consumer education programs already provide customers with efficiency information upon request and we expect the NGDCs to simply continue current practices. We agree with IRRC and we will use the term "efficiency information" and define it as the existing NGDC efficiency information included in the NGDC's consumer education program.

§ 62.77. Marketing/sales activities

1. Fixed and Tiered Pricing

a. Position of the Parties

The CNGR suggests that we substitute the word "tiered" for the word "fixed" in § 62.77(b)(1) because there would be no need to require the NGS to illustrate fixed price charges at various usage levels since the price per unit will not change based on usage. IRRC asks us to clarify if this section applies to tiered pricing.

b. Resolution

The usage levels for the marketing table were determined by reviewing typical historical usage levels for both heating and nonheating customers of the NGDCs. The steps in usage levels are meant to allow a customer to find a close comparison to his individual usage level and corresponding price per standard pricing unit of the NGDC so that he can make an informed decision about the offer from the NGS. While we recognize that the table will show the same results under the common fixed price variation of fixed pricing, we believe that the intended benefit to the customer is significant enough to keep the requirement. In addition, since the tiered pricing varia-

tion is a fixed pricing variation, we do not need to restrict the applicability of this section to just the tiered pricing variation.

2. *Cost of Marketing Table*

a. *Position of the Parties*

The PGA contends that the required marketing table is potentially costly to NGSS.

b. *Resolution*

We do not believe that the costs are burdensome to NGSS because our experience with the electric market did not result in any supplier complaints about the cost of the table. Also, the table provides useful information to customers for comparison purposes.

3. *Explanation of When the Marketing Table is Required*

a. *Position of the Parties*

IRRC asks that we clarify when the NGS is required to issue the marketing table as required in § 62.77(b)(1) and (2), either in all marketing materials or just those marketing materials that include a written disclosure statement.

b. *Resolution*

We clarify that the table is required only when the marketing materials contain a written disclosure statement and we will revise § 62.77(b) accordingly.

4. *Ceiling Price in a Variable Pricing option*

a. *Position of the Parties*

The PGA questions the relevance of showing an average price for a variable pricing option in the marketing table and IRRC asks that we be consistent in our requirements in §§ 62.75(c)(2)(i) and 62.77(b)(2).

b. *Resolution*

We agree with the PGA and IRRC and we believe that when we change § 62.77(b)(2) to be consistent with the change we previously agreed to make in § 62.75(c)(2)(ii), the issues that these parties raise will be resolved. Specifically, we will add that the marketing table should be done for both the starting price and the ceiling price, if the ceiling price is applicable. This will eliminate the need for the disclosure of an average price. We will revise § 62.77(b)(2) accordingly.

5. *Use of Equivalent Measures or Standard Pricing Unit of the NGDC*

a. *Position of the Parties*

IRRC and the OCA contend that the marketing table that is required in § 62.77(b) should contain NGS prices according to the standard pricing unit of the NGDC and that we should modify this section accordingly.

b. *Resolution*

We agree with the OCA and IRRC and we will modify the regulations to require that the marketing tables show prices in the standard pricing unit of the NGDC.

6. *Time Frame Applicable to the Marketing Table*

a. *Position of the Parties*

IRRC asks if the marketing table in § 62.77(b)(2) reflects pricing for 1 month or several months. IRRC also asks if the price is for a particular date, as a limited time offer.

b. *Resolution*

The marketing table at both § 62.77(b)(1) and (2) reflect the price for 1 month and we will revise these two sections accordingly. If the marketing table reflects pricing as a limited time offer, then the table should contain such a footnote. We will revise these sections to require a statement about a limited time offer, if applicable.

§ 62.78. *Privacy of customer information*

1. *Use of the Term "Convenient Method"*

a. *Position of the Parties*

The IRRC recommends that we should amend subsection (a) to specify that the customer must be given the option of restricting the release of private information consistent with subsection (b), which contains a list of the acceptable convenient methods.

b. *Resolution*

We agree with IRRC and we will revise subsection (a) consistent with IRRC's recommendation.

§ 62.79. *Complaint handling process*

1. *Toll-Free Phone Numbers*

a. *Position of the Parties*

The CLS requests that all NGDCs and NGSS provide toll-free numbers for all customers for whom telephone contact is a toll call. IRRC asks if we have considered the requirement.

b. *Resolution*

We have not required the use of toll-free numbers because all NGDCs and NGS appear to already be providing toll-free numbers to customers. The use of toll-free numbers is perceived as a good business practice in a competitive environment and competition has made the use of toll-free numbers commonplace.

2. *Use of the Term "Applicable Standards"*

a. *Position of the Parties*

The CLS contends that the use of the term "applicable standards" in § 62.79(2) creates uncertainty that Chapter 56, Subchapter F (relating to disputes; termination disputes; informal and formal complaints) might not apply to an NGS or an NGDC.

b. *Resolution*

We agree with the CLS that Chapter 56, Subchapter F applies to NGSS and NGDCs and we will revise this section accordingly.

§ 62.80. *Common natural gas competition terms*

1. *Definition of PUC*

a. *Position of Parties*

The CLS asks that we modify the definition of "PUC—Pennsylvania Public Utility Commission" to include a phrase about the regulation of distribution rates.

b. *Resolution*

We respectfully decline to change our current definition of "PUC—Pennsylvania Public Utility Commission" because we believe it is as simple as possible while covering the most important aspects of the PUC as a regulatory agency. We also note that all bills and written disclosure

statements for residential and small business customers will contain a sentence which says that distribution prices and charges are set by the PUC.

2. Differences between Common Natural Gas Competition Terms and the Glossary of Gas Terms for the Consumer

a. Position of the Parties

IRCC and the PGA point out that there are discrepancies in the definitions of 14 terms contained in the two Commission reference documents known as the Common Natural Gas Competition Terms and the Glossary of Gas Terms for the Consumer. The PGA asks us to eliminate these differences.

b. Resolution

We will change the name of the Glossary of Gas Terms for the Consumer to the Consumer's Dictionary for Natural Gas Competition consistent with § 62.73(3). Additionally, we shall conform the definitions in the Consumer's Dictionary to those appearing in § 62.80.

Accordingly, under sections 501, 1301, 1307 and 1501 of the code, and the Commonwealth Documents Law (45 P.S. § 1201 et seq.), and the regulations promulgated thereunder in 1 Pa. Code §§ 7.1—7.4, we propose to amend our regulations by adding §§ 62.71—62.80, to read as set forth in Annex A; *therefore*,

It Is Ordered that:

1. The Secretary shall submit this order and Annex A for review by the designated standing committees of the General Assembly, and for review by IRRC.

2. The Secretary shall submit this order and Annex A to the Office of the Attorney General for review as to form and legality.

3. The Secretary shall submit a copy of this order and Annex A to the Governor's Budget Office for review of fiscal impact.

4. The Secretary shall certify this order and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. This chapter shall become effective upon final publication in the *Pennsylvania Bulletin*.

5. The contact persons are Ahmed Kaloko, Director, Bureau of Conservation, Economics and Energy Planning (technical), (717) 787-2139, and Lawrence F. Barth (legal), (717) 772-8579. Alternate formats of this document are available to persons with disabilities and may be obtained by contacting Sherri DelBiondo, Regulatory Coordinator, Law Bureau, and (717) 772-4597.

6. A copy of this order and Annex A shall be served upon persons who filed comments, natural gas distribution companies subject to the act, licensed NGSs, the OTS and the Office of the Small Business Advocate.

JAMES J. MCNULTY,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 31 Pa.B. 1647 (March 24, 2001).)

Fiscal Note: Fiscal Note 57-215 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PENNSYLVANIA PUBLIC UTILITY COMMISSION

Subpart C. FIXED UTILITIES

CHAPTER 62. NATURAL GAS SUPPLY CUSTOMER CHOICE

Subchapter C. CUSTOMER INFORMATION DISCLOSURE

Sec.	Purpose.
62.71.	Definitions.
62.72.	Standards and pricing practice for retail natural gas service.
62.73.	Bill format for residential and small business customers.
62.74.	Disclosure statement for residential and small business customers.
62.75.	Request for information.
62.76.	Marketing/sales activities.
62.77.	Privacy of customer information.
62.78.	Complaint handling process.
62.79.	Common natural gas competition terms.
62.80.	

§ 62.71. Purpose.

(a) The purpose of this subchapter is to require that all natural gas providers enable customers to make informed choices regarding the purchase of all natural gas services offered by providing adequate and accurate customer information. Information shall be provided to customers in an understandable format that enables customers to compare prices and services on a uniform basis.

(b) As to the scope of this subchapter, this section and §§ 62.72 and 62.73 (relating to definitions; and standards and pricing practices for retail natural gas service) apply to all customers, including large commercial and industrial customers. Sections 62.74—62.79 apply only to residential and small business customers, as defined in § 62.72. Section 62.80 (relating to common natural gas competition terms) applies as described in § 62.73(4).

§ 62.72. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Basic services—Services necessary for the physical delivery of natural gas to a retail customer, consisting of natural gas distribution services and natural gas supply services.

Billed prices—The disclosed NGS prices on the customer bill.

City gate—The point where interstate pipelines deliver gas into NGDC facilities.

Commission—The Pennsylvania Public Utility Commission.

Commodity charges or natural gas supply charges—Basic service charges for natural gas supply services to retail customers, excluding charges for natural gas distribution services.

Consumer—A retail gas customer.

Customer—A person that buys retail natural gas.

Customer information—Written, oral or electronic communications used by natural gas providers to communicate to consumers prices and terms of service.

Disclosure statement—The written disclosure of the terms of service between an NGS and a customer which

satisfies the definition of "consumer contract" in section 3 of the Plain Language Consumer Contract Act (73 P. S. § 2203).

Disclosure statement prices—The disclosed NGS prices in the disclosure statement.

Distribution charges—Basic service charges for the delivery of natural gas to a retail customer from the point of receipt into the NGDC's distribution system. These charges include basic service under § 56.15(4) (relating to billing information) and universal service, as applicable.

Efficiency information—The existing NGDC efficiency information included in the NGDC's consumer education program.

Historical billing data—The minimum of 12 months of data as recorded by the NGDC, which contains usage data and dollar amount billed, unless 12 months of this data is not available, in which case the NGDC shall provide as much billing data as available. This data is thousand cubic feet (Mcf), hundred cubic feet (ccf) or dekatherms (Dth) consumption at some prescribed interval of consumption and associated cost.

Marketed prices—The disclosed prices on NGS marketed customer information.

NGDC—Natural gas distribution company—A public utility or city natural gas distribution operation that provides natural gas distribution services and which may provide natural gas supply services and other services. For purposes of this subchapter, the term does not include the following:

(i) Any public utility subject to the jurisdiction of the Commission which has annual gas operating revenues of less than \$6 million per year, except when the public utility voluntarily petitions the Commission to be included within this definition or when the public utility seeks to provide natural gas supply services to retail gas customers outside its service territory.

(ii) A natural gas public utility subject to the jurisdiction of the Commission that is not interconnected to an interstate gas pipeline by means of a direct connection or an indirect connection through the distribution system of another natural gas public utility or through a natural gas gathering system.

NGS—Natural gas supplier—An entity other than an NGDC company, but including NGDC marketing affiliates, which provides natural gas supply services to retail gas customers utilizing the jurisdictional facilities of an NGDC.

(i) The term includes an NGDC that provides natural gas supply services outside its certificate service territories.

(ii) The term includes a municipal corporation, its affiliates or any joint venture, to the extent that it chooses to provide natural gas supply services to retail customers located outside of its corporate or municipal limits, as applicable, other than the following:

(A) As provided prior to July 1, 1999, the effective date of 66 Pa.C.S. Chapter 22 (relating to Natural Gas Choice and Competition Act), under a certificate of public convenience if required under 66 Pa.C.S. (relating to Public Utility Code).

(B) The total natural gas supply services in de minimis amounts.

(C) Natural gas supply services requested by, or provided with the consent of, the public utility in whose certificated territory the services are provided.

(D) Natural gas supply services provided to the municipal corporation itself or its tenants on land it owns or leases, or is subject to an agreement of sale or pending condemnation, as of September 1, 1999, to the extent permitted by applicable law independent of 66 Pa.C.S. Chapter 22.

(iii) The term excludes an entity to the extent that it provides free gas to end-users under the terms of an oil or gas lease. Notwithstanding any other provision of this title, an NGS that is not an NGDC is not a public utility as defined in 66 Pa.C.S. § 102 (relating to definitions) to the extent that the NGS is utilizing the jurisdictional distribution facilities of an NGDC or is providing other services authorized by the Commission.

Natural gas distribution service—The delivery of natural gas to retail gas customers utilizing the jurisdictional facilities of the NGDC.

Natural gas providers—The term refers collectively to the NGDC, NGS, marketer, aggregator or broker, or both, as well as any third party acting on behalf of these entities.

Natural gas supply charges or commodity charges—Basic service charges for natural gas supply services to retail customers, excluding charges for natural gas distribution services.

Natural gas supply services—

(i) The term includes the following:

(A) The sale or arrangement of the sale of natural gas to retail customers.

(B) Services that may be unbundled by the Commission under 66 Pa.C.S. § 2203(3) (relating to standards for restructuring of natural gas utility industry).

(ii) The term does not include distribution service.

Nonbasic services—Optional recurring services which are distinctly separate and clearly not required for the physical delivery of natural gas service. Examples include a gas line repair program and a gas appliance warranty program.

Retail gas customer—A direct purchaser of natural gas supply services or natural gas distribution services, other than an NGS. The term excludes an occupant of a building or facility where the owner/operators manage the internal distribution system serving the building or facility and supply natural gas and other related services to occupants of the building or facility; where the owners/operators are direct purchasers of natural gas supply service; and when the occupants are not direct purchasers.

Small business customer—This term refers to a person, sole proprietorship, partnership, corporation, association or other business entity that receives natural gas service under a small commercial, small industrial or small business rate classification, and whose aggregate maximum registered annual consumption with the NGDC was less than 300 Mcfs, or equivalent, over the last 12 months.

§ 62.73. Standards and pricing practices for retail natural gas service.

In furnishing retail natural gas service, NGDCs and NGSs or any entity that otherwise provides retail natural gas service information to customers, shall comply with the following:

(1) Use common and consistent terminology in customer communications, including marketing, billing and

disclosure statements and use the standard pricing unit of the NGDC. The three standard pricing units that are currently used by NGDCs are ccfs, Mcfs and Dths.

(2) Use the term NGDC as described in § 62.72 (relating to definitions) as a standard term.

(3) Use the terms as defined in the Commission's "Consumer's Dictionary for Natural Gas Competition" (Dictionary), maintained on file in the Commission's Office of Communications. NGDCs shall provide this Dictionary upon customer request, and the "Common Natural Gas Competition Terms" as described in paragraph (4) shall indicate the phone number and address of the NGDC to request the Dictionary.

(4) Each NGDC will distribute the "Common Natural Gas Competition Terms," found in § 62.80 (relating to common natural gas competition terms), as part of its consumer education program, as a bill insert or in a separate mailing once per year for the life of the NGDC's choice education campaign, which is mandated in 66 Pa.C.S. § 2206(d) (relating to consumer protections and customer service).

§ 62.74. Bill format for residential and small business customers.

(a) NGS billed prices shall reflect the marketed prices and the disclosure statement prices.

(b) The following requirements apply only to the extent to which an entity has responsibility for billing customers, and to the extent that the charges are applicable. Duplication of billing for the same or identical charges by both the NGDC and NGS is not permitted.

(1) NGDC charges shall appear separately from NGS charges.

(2) Charges for basic services shall appear before charges for nonbasic services, and appear distinctly separate.

(3) Customer bills shall contain the following charges, if these charges are applicable, and these charges shall appear in a distinct section of the bill. The designation or label of each charge as either a basic charge or nonbasic charge appears in parentheses following the name of the charge. This label of either basic or nonbasic is not required to accompany the name of the charge on the bill.

(i) Commodity charges (basic).

(A) Commodity charges shall be presented in the standard pricing unit for natural gas of the NGDC in actual dollars or cents per standard pricing unit or actual average dollars or cents per standard pricing unit.

(B) Commodity charges shall appear first among the basic charges with one exception. NGDCs may place the customer charge first among the basic charges.

(ii) Distribution charges (basic).

(iii) Customer charge or basic charge (charge for basic service in § 56.15 (relating to billing information)) (basic).

(iv) Gas cost adjustment charges (basic).

(v) Interstate transition cost surcharges (basic).

(vi) Taxes (Comply with § 56.15) (basic).

(vii) Late payment charges (basic).

(viii) Security deposit (basic).

(ix) Reconnection fee (basic).

(x) Itemization of nonbasic charges (nonbasic).

(xi) Overall billing total.

(4) The entity reading the meter for billing purposes shall provide the following natural gas use data figures:

(i) The total annual natural gas use for the past 12 months in the standard pricing unit of the NGDC including the current billing cycle. This is a single cumulative number.

(ii) The average monthly natural gas use for the past 12 months in the standard pricing unit of the NGDC including the current billing cycle. This is a single cumulative number.

(5) The requirements of § 56.15 shall be incorporated in customer bills to the extent that § 56.15 applies.

(6) Definitions for the following charges and terms are required in a customer's bill, if they appear as billing items, as contained in § 62.80 (relating to common natural gas competition terms), and shall be in a distinctly separate section of the bill:

(i) Commodity charges.

(ii) Distribution charges.

(iii) Customer charge/basic charge (charge for basic service in § 56.15).

(iv) Gas cost adjustment charges.

(v) The standard pricing unit of the NGDC, either, ccf, Mcf or Dth.

(7) "General Information" is the required title for customer contact information in a customer's bill.

(i) The name, address, telephone number and Internet address for the NGS and NGDC shall be included.

(ii) Both NGDC and NGS information in subparagraph (i) is required on all customer bills with the billing entity's information first.

(8) When a customer chooses the option to receive a separate bill for competitive natural gas supply, the NGDC shall include in a customer's bill the following information where the NGS charges would normally appear:

(i) The NGS's name.

(ii) A statement that the customer's NGS is responsible for the billing of NGS charges.

(9) When a customer chooses the option to receive a single bill from the NGDC, the NGDC shall include in the customer's bill the name of the NGS where the NGS charges appear.

(10) For customers who have chosen to receive gas supply from a competitive supplier, the customer's bill shall include the following statements which may appear together in a paragraph:

(i) "Commodity prices and charges are set by the natural gas supplier you have chosen."

(ii) "The Public Utility Commission regulates distribution prices and services."

(c) The billing entity shall provide samples of customer bills to the Commission for review prior to issuance to customers.

§ 62.75. Disclosure statement for residential and small business customers.

(a) The disclosure statement prices shall reflect the marketed prices and the billed prices.

(b) The NGS shall provide the customer a written disclosure statement containing the terms of service at no charge whenever:

- (1) The customer requests that an NGS initiate service.
- (2) The NGS proposes to change the terms of service.

(c) The disclosure statement's terms of service shall be disclosed, including the following terms and conditions, if applicable:

(1) Commodity charges shall be disclosed according to the actual prices and be presented in the standard pricing unit of the NGDC or other Commission-approved standard pricing unit. Commodity charges shall include estimated total state taxes. Commodity charges exclude State Sales Tax and county tax.

(2) The variable pricing statement (if applicable) shall include:

(i) Conditions of variability (state on what basis prices will vary) including the NGS's specific prescribed variable pricing methodology.

(ii) The starting price and the ceiling price, if the ceiling price is applicable.

(3) An itemization of basic and nonbasic charges distinctly separate and clearly labeled.

(4) The length of the agreement, which includes:

(i) The starting date.

(ii) The expiration date, if applicable.

(5) An explanation of sign-up bonuses, add-ons, limited time offers, other sales promotions and exclusions, if applicable.

(6) An explanation of prices, terms and conditions for special services, if applicable.

(7) The cancellation provisions, if applicable. When a customer moves from one location to another, even if the move is within an NGDC's service territory, the agreement is cancelled.

(8) The renewal provisions, if applicable. Automatic renewal is allowed at the same terms and conditions as long as the new agreement is month-to-month.

(9) The name and telephone number of the supplier of last resort.

(10) An explanation of penalties, fees or exceptions, printed in type size larger than the type size appearing in the terms of service. Penalties shall be disclosed in actual dollars or a specific method for determining the actual dollars shall be disclosed.

(11) Customer contact information that includes the name of the NGDC and NGS, and the NGS's address, telephone number, Commission license number and Internet address, if available. The NGS's information shall appear first and be prominent.

(12) A statement that directs a customer to the Commission if the customer is not satisfied after discussing the terms of service contained in the disclosure statement with the NGS.

(13) The name and telephone number for universal service program information.

(d) Customers shall be provided a 3-day right of rescission period following receipt of the disclosure statement from the NGS.

- (1) The 3-day right of rescission is 3 business days.

(2) The 3-day right of rescission begins when the customer receives the disclosure statement from the NGS.

(3) The customer may cancel in writing, orally or electronically, if available, by contacting the NGS.

(4) Waivers of the 3-day right of rescission are not permitted.

(e) The definition for commodity charges is required on natural gas disclosure statements and shall be defined in accordance with § 62.80 (relating to common natural gas competition terms). Definitions for other basic charges, if applicable, are required. Definitions for each of the nonbasic services, if applicable, are required. The definition section of the bill shall be distinctly separate.

(f) The NGS shall include in the customer's disclosure statement the following statements which may appear together in a paragraph:

(1) "Commodity prices and charges are set by the natural gas supplier you have chosen."

(2) "The Public Utility Commission regulates distribution prices and services."

(g) Disclosure statements shall include the following customer notification:

(1) "If you have a fixed term agreement with us that is longer than 3 months and it is approaching the expiration date, we will send you advance written notices at about 90 days and 60 days before the expiration date. If we propose to change our terms of service in any type of agreement, we will send you advance written notices at about 90 days and 60 days before the effective date of the change. If we are billing you directly for our services, then we will provide the notices as a bill message, a bill insert, or in a separate corresponding mailing. If the NGDC is billing our charges for us, then we will provide the notices in separate corresponding mailings. We will explain your options to you in these two advance notifications."

(2) The NGS may add appropriate language in the notice so that the notice may serve as an amendment to the original agreement if the customer affirmatively reselects the NGS. Affirmative reselection occurs when the customer initiates a telephone call to the NGS and during the conversation the customer accepts the new offer, the NGS initiates a telephone call to the customer and during the conversation the customer accepts the new offer, the customer accepts the new offer by signing a document and returning it to the NGS, or the customer acknowledges the acceptance of the new offer electronically, perhaps by checking a box on a form on the NGS's website. These are offered as examples and are not meant to be all inclusive. After a customer affirmatively reselects the NGS, the NGS is relieved of its obligation to fulfill outstanding notice requirements. If the change in terms notice is for a reduction in the price of the commodity charges, the NGS is required to send only one written notice at least 60 but not more than 90 days prior to the effective date of the price change. A fixed term agreement may be converted to a month-to-month agreement, either at the same terms and conditions or at revised terms and conditions, as long as the agreement converts from a fixed term to a month-to-month agreement and contains no cancellation penalties, in the event that the customer does not respond to the notice. A fixed term agreement may be converted to another fixed term agreement as long as the new agreement includes a customer initiated cancellation provision that allows the customer to cancel at any time for any reason and

contains no cancellation penalties, in the event that the customer does not respond to the notice.

(h) If the supplier of last resort changes, the new supplier of last resort shall notify customers of that change, and shall provide customers with the name, address, telephone number and Internet address, if available.

§ 62.76. Request for information.

(a) Natural gas providers shall respond to reasonable customer requests for efficiency information by indicating that these materials are available upon request from the Commission or the NGDC.

(b) Residential and small business customers, upon request from the customer, are entitled to receive at no charge and at least once a year, historical billing data from whomever reads the meter for billing purposes. If the customer is receiving competitive natural gas supply service from an NGS, and receiving a separate bill from the NGS, the NGS will provide dollar amounts billed.

(1) The NGDC is only obligated to provide information that is readily available in its billing system.

(2) The historical billing data shall be conveyed in terms of the NGDC's standard pricing unit, for example, ccfs, Mcfs or Dths, and associated charges for the current billing period and for the year preceding the current billing period.

(3) The historical billing data will be updated with each billing cycle.

(c) Natural gas providers shall notify consumers not less than once per year either in advertising materials, disclosure statements or bills that efficiency information and historical billing data is available upon request.

§ 62.77. Marketing/sales activities.

(a) An NGS's marketed prices shall reflect disclosure statement prices and billed prices and shall be presented in the standard pricing unit of the NGDC.

(b) An NGS's marketing materials that offer terms of service in a disclosure statement for acceptance by customers shall include prices, as follows:

(1) If using a fixed price, the NGS shall show charges for supply service in the standard pricing unit of the NGDC at monthly usage levels equivalent to 15, 80 and 120 ccfs of natural gas in a table format.

(2) If using a variable price mechanism, the NGS shall factor in all costs associated with the rate charged to the customer for supply service, and show the starting price and ceiling price for supply service, if the ceiling price is applicable, in the standard pricing unit of the NGDC at monthly usage levels equivalent to 15, 80 and 120 ccfs of natural gas, in a table format.

(3) The NGS shall note the effective date of the prices shown in the table provided under paragraph (1) or (2) and if the prices are a limited time offer, the NGS shall note the expiration date of the limited time offer.

(c) Advertising materials targeted for residential and small business sales shall be made available upon request of the Commission.

§ 62.78. Privacy of customer information.

(a) An NGDC or NGS may not release private customer information to a third party unless the customer has been notified of this intent and has been given a convenient method, consistent with subsection (b), of notifying the entity of the customer's desire to restrict the

release of the private information. If the customer does not choose to restrict the release of one of the two restriction options in paragraphs (1) and (2), all of the customer's private information may be released to a third party except for the telephone number. If the customer chooses to restrict the release of private customer information, the customer may restrict information released according to one of the following two restriction options:

(1) Restrict the release of only the customer's historical billing data in the NGDC's standard pricing unit, that is, as denominated by the NGDC.

(2) Restrict the release of all private customer information including name, billing address, service address, rate class, rate subclass, account number and historical billing data in the NGDC's standard pricing unit, that is, as denominated by the NGDC.

(b) Customers shall be permitted to restrict information as specified in subsection (a) by returning a signed form, or by oral or electronic communication.

(c) Nothing in this section prohibits the NGS and NGDC from performing their mandatory obligations to provide natural gas service as specified in the disclosure statement and in 66 Pa.C.S. (relating to the Public Utility Code).

(d) Telephone numbers may not be released to third parties.

§ 62.79. Complaint handling process.

NGDCs and NGSs shall disclose to customers the following with respect to the rights of customers in the handling and resolution of complaints:

(1) Residential and small business customers shall directly contact the party responsible for the service in question as an initial step for complaint and problem resolution. If the customer mistakenly contacts the wrong entity, the customer shall be promptly referred to the appropriate contact. In the event of an unexpected loss of firm gas service, the customer shall be directed to the NGDC.

(2) Complaints that pertain to Chapter 56 (relating to standards and billing practices for residential utility service) matters shall be handled and resolved in accordance with the standards in Chapter 56.

(3) NGDCs and NGSs shall give the Commission access to disclosure statements, billing and other customer information resources for compliance reviews as deemed necessary by the Commission. When complaints arise and are brought before the Commission for resolution, the obligation of the NGS shall be extended to the provision of pricing information.

§ 62.80. Common natural gas competition terms.

The following are common natural gas competition terms:

Burner tip—The point at which natural gas is used such as a furnace, water heater or range.

Ccf—100 cubic feet of gas. This is a measure of gas usage.

Chapter 56—The PUC regulations that govern metering, billing and collections for residential gas and electricity service.

City gate—The point where interstate pipelines deliver gas into NGDC facilities.

Commodity charges—The charges for basic gas supply service which is sold either by volume (ccf or Mcf) or heating value (dekatherms).

Customer charge—A monthly charge to cover NGDC costs such as maintaining the gas lines, meter reading and billing.

Distribution charges—The charges for the delivery of natural gas from the point of receipt into the NGDC's system.

Dth (Dekatherm)—A measure of the heat content value of gas. Gas usage is determined by multiplying the Mcf used by the heat content value of the gas.

Gas cost adjustment charges—The amount billed or credited each month to account for differences between projected and actual gas supply costs of the NGDC.

Mcf—1,000 cubic feet of gas. This is a measure of gas usage.

NGDC—Natural gas distribution company—A state regulated natural gas utility which owns the gas lines

and equipment necessary to deliver natural gas to the consumer. (Formerly called local distribution company)

NGS—Natural gas supplier—An entity that sells or arranges to sell natural gas to customers that is delivered through the distribution lines of an NGDC.

PUC—Pennsylvania Public Utility Commission—The State regulatory agency that provides oversight, policy guidance and direction to public utilities and suppliers.

Price to compare—The dollar amount charged by the NGDC used by consumers to compare prices and potential savings with other NGSSs.

Storage—Placing natural gas into an underground facility for removal and use at a later date.

Transmission—The moving of natural gas through the interstate pipeline system for delivery to the NGDC.

[Pa.B. Doc. No. 01-638. Filed for public inspection April 13, 2001, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF EDUCATION

[22 PA. CODE CH. 73]

Definitions; Fees

The State Board of Private Licensed Schools (Board), under the authority granted by the Private Licensed Schools Act (act) (24 P.S. §§ 6501—6518), proposes to amend §§ 73.1 and 73.151 (relating to definitions; and fees) to read as set forth in Annex A.

Description of Proposed Amendments

The proposed amendment of § 73.1 adds a new definition for “seminars” and revises the definition of “nonresident.”

The proposed amendment of § 73.151(a) prescribes a new fee for initial licensure of schools that only present seminars, and revises fees for biennial licensure or registration of all schools, and licensure of admissions representatives.

The proposed amendment of § 73.151(b) increases the user fees for other services provided by the Board, which services are in addition to the processing and issuance of original or renewal school licenses, registration and admissions representative licenses.

Reason for Proposed Amendments

The Board's current fees are fixed by § 73.151. Section 10 of the act (24 P.S. § 6510) authorizes the Board to increase its fees by regulation if the Board's revenues from fees, fines and civil penalties are not sufficient to meet Board expenditures over a 2-year period.

The Board recently reviewed its fees and determined that current fees are inadequate to meet anticipated revenue needs. The Board estimates that its expenditures for the biennial period covering Fiscal Years 2000-01 and 2001-02 will be \$1,172,033. In contrast, the estimated revenues under the existing fee structure are \$1,044,500.

The proposed fees in § 73.151 should raise sufficient revenue to offset the Board's projected expenditures for Fiscal Years 2000-01 and 2001-02 while maintaining a surplus, projected to be about \$259,080 by June 30, 2002, as a cushion against unanticipated expenditures or additional revenue shortfalls.

The Board last increased its fees on July 1, 1991. At that time, the Board's projections assumed substantial growth in the number of original and renewal licenses,

registrations and program applications submitted. The numbers of license, registration, admission representatives and new program applications have decreased since that time and the Board has operated at a deficit in 5 of the 9 preceding fiscal years under the current fee structure. Although the Board has covered previous deficits by drawing on the year-to-year carryover of unused funds, the carryover will be depleted in FY 2001-02, resulting in a negative balance in the Board's budget. At the same time, estimated expenditures will exceed revenue projections. The current staffing level will need to be maintained for the foreseeable future.

In regard to the inclusion of seminars, an unlicensed school, business or entity that meets the definition of a seminar will be required to submit an original application for licensure or registration and will pay the \$750 initial application fee. Licensure will discourage a business or entity from bait and switch advertising or solicitation under the term “seminar.” It also will provide protection for the consumer in the areas of advertisements and representation, curriculum standards and qualified instructional staff. The reduced original application fee will benefit smaller schools and businesses presenting only seminars. It will not create an onerous burden for schools seeking initial licensure to offer short-term training courses. This type of school will not be required to submit a lengthy application for initial licensure and will be permitted to offer courses in various locations across the State under the revised definition of “nonresident” as set forth in Annex A. After 1 year of operation, biennial renewal fees are on an assessed graduated scale based upon gross tuition revenue. The lower end of the graduated scale will benefit smaller schools where their gross tuition revenue collected is less in comparison to already established private licensed schools.

The new and revised proposed fees are set forth in Annex A. The proposed fees will meet the anticipated need for additional revenue.

Fiscal Impact

There is no fiscal impact from the proposed new or modified definitions. If the existing fee structure is not revised, total revenue, combined with current carry-over for the 1999-00 fiscal year, is expected to be \$1,086,293 for the biennial period ending 2001-02. The proposed increased fees, together with fees which will not be increased, and the amount carried over from the 1999-00 fiscal year are expected to generate revenues totaling \$1,389,320 for the Board for the period ending 2001-02. Following is a table showing how much of the Board's total revenue each fee is expected to generate:

	<i>Estimated Number of Fee Payers Biennially Times Amount of Fee</i>		
	<i>FY 2000-01</i>	<i>FY 2001-02</i>	<i>Est. Revenue</i>
<i>Board Activity</i>			
1. Original School License or Registration	40×\$1,500a	40×\$1,500b	\$60,000 \$60,000
2. Biennial School Licensure or Registration	\$0		
	6×\$1,200a	9×\$1,200b	\$7,200 \$10,800
	\$150—9,999	8×\$1,400a	\$11,200
		10×\$1,400b	\$14,000
	\$10,000—49,999	24×\$1,500a	\$36,000

		<i>Estimated Number of Fee Payers Biennially Times Amount of Fee</i>	
	<i>FY 2000-01</i>	<i>FY 2001-02</i>	<i>Est. Revenue</i>
		20×\$2,200b	\$44,000
\$50,000—99,999	25×\$1,600a		\$40,000
		26×\$2,300b	\$59,800
\$100,000—199,999	28×\$1,800a		\$90,720
		18×\$2,600b	\$46,800
\$200,000—499,999	25×\$2,100a		\$52,500
		24×\$3,000b	\$72,000
\$500,000—999,999	17×\$2,400a		\$40,800
		24×\$3,500b	\$84,000
\$1,000,000—1,999,999	18×\$2,800a		\$81,200
		29×\$4,100b	\$118,900
\$2,000,000 and over	12×\$3,000a		\$36,000
		21×\$4,400b	\$92,400
3. Admission Representative License	240×\$150a		\$36,000
		240×\$300b	\$72,000
4. New Program Application	150×\$350a		\$52,500
		150×\$700b	\$105,000
5. Change of Ownership	10×\$600a		\$6,000
		10×\$1,200b	\$12,000
6. New School Orientation Seminar	50×\$100a		\$5,000
		50×\$200b	\$10,000
7. School Site Inspection	40×\$250a		\$10,000
		40×\$500b	\$20,000.
a. For fees collected 7/01/00—6/30/01.			
b. For fee collected under proposed fee increase 7/01/01—6/30/02.			
8. Estimated Revenue from New Fees			\$824,200
9. Estimated Revenue from Fees not Increase			\$565,120
Total Estimated Revenue			\$1,389,320
Total Estimate Expenditure			\$1,172,033
Rollover Amount from FY 1999-00			\$41,793
Surplus for Unanticipated Expenditures or Revenue Shortfall			\$259,080

Paperwork Requirements

The proposed amendments require the Board to alter some of its forms to reflect the new fees. The proposed amendments will create no additional paperwork for the private sector.

Effective Date

These proposed amendments take effect upon final publication in the *Pennsylvania Bulletin*.

Sunset Date

The act requires that the Board monitor its revenues and costs on a biennial basis, and revise its regulations as necessary. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 4, 2001, the Department of Education (Department) submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committees on Education. In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1 "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

If the Committees have any objections to any portion of the proposed amendments, they will notify the Department of Education within 20 days of the close of the public comment period. Under section 5(g) of the Regulatory Review Act, if IRRC has any objections to any of the proposed amendments, it will notify the Department within 10 days of the close of the Committees' comment period. The notification shall specify the regulatory review criteria that have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review of objections raised, prior to final publication of the regulations, by the Board, the General Assembly and the Governor.

Public Comments and Contact Person

Interested persons are invited to submit to the Board their written comments, suggestions or objections regarding these proposed amendments within 30 days following publication in the *Pennsylvania Bulletin*. Written comments, suggestions or objections for Board consideration should be sent to Sharon Lane, Acting Coordinating Secretary, State Board of Private Licensed Schools, 333 Market Street, Harrisburg, PA 17126-0333, and (717) 783-8228.

CHARLES D. ZOGBY,
Acting Secretary

Fiscal Note: 6-272. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 22. EDUCATION
PART III. STATE BOARD OF
PRIVATE LICENSED SCHOOLS
CHAPTER 73. GENERAL PROVISIONS
DEFINITIONS

§ 73.1. Definitions.

The following words and terms, when used in this chapter, have the following meaning, unless the context clearly indicate otherwise:

* * * *

Nonresident—A student who is **[off the premises of a school facility]** receiving instruction by correspondence, telecommunication or similar means **including seminar**.

* * * *

Seminar—Training or instruction that is one of the following:

(i) **Noncumulative short-term training of no more than 15 hours duration, not scheduled in a regular calendar format and offered as an introduction or orientation to an occupation.**

(ii) **Instruction for an entry-level occupation offered at a total contract price, of less than \$300, which includes all costs charged to students, including tuition, fees, books and supplies, provided that the total contract price for all courses to any enrolled student is less than \$300 in any one calendar year.**

* * * *

FEES

§ 73.151. Fees.

(a) *License fees.* The fees for school and admissions representative licenses shall accompany both original and renewal license and registration applications. The fee schedule is:

(1) For an original school license or registration—\$1,500 **[annually]**.

(2) **For an original school license or registration of a school that only presents seminars—\$750.**

(3) For a renewal school license or registration—biennial fee based on gross tuition revenue:

<i>Gross Tuition Revenue</i>	<i>Fee</i>
\$0—2,499	\$[1200] 500
[\$150—9,999]	[\$1400]
\$2,500—4,999	\$1000
\$5,000—9,999	\$2000
\$10,000—49,999	\$[1500] 2,200
\$50,000—99,999	\$[1600] 2,300
\$100,000—199,999	\$[1800] 2,600
\$200,000—499,999	\$[2100] 3,000
\$500,000—999,999	\$[2400] 3,500
\$1,000,000—1,999,999	\$[2800] 4,100
\$2,000,000 and over	\$[3000] 4,400

[(3)] (4) For an admission representative license—\$[150] 300 annually.

(b) *User fees.* Fees will also be assessed for other services provided by the Board, which services are in addition to the processing and issuance of original or

renewal school licenses or registration and admissions representative licenses. These user fees are as follows:

(1) A \$[350] 700 fee shall accompany each application for approval of a new program.

(2) A \$[600] 1,200 fee shall accompany notification to the Board of a change in ownership of the school.

(3) A \$[100] 200 fee per participant will be charged for participation in new school orientation seminars.

(4) A \$[250] 500 fee will be charged for each site inspection of the following types: new school, change in location, expansion of instructional space, temporary relocation, branch facility and remote training facility. This fee shall be paid before commencement of the visit.

(5) The fee for a Board-directed visit is \$[250] 500 per day if the visit is conducted by staff; \$[400] 800 per day plus team member expenses for a visit conducted by a team with nonstaff members. The fee for a Board-directed visit shall be paid before commencement of the visit.

[Pa.B. Doc. No. 01-639. Filed for public inspection April 13, 2001, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 141]

Hunting and Trapping

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its January 23, 2001, meeting, proposed the following amendments:

Amend § 141.1 (relating to special regulations areas) by prohibiting the use of a muzzleloading handgun to hunt deer, bear and elk, and by making a crossbow a lawful device to hunt deer in the special regulations areas, § 141.5 (relating to furbearer tagging requirements) by removing the fee for tags for beaver, § 141.18 (relating to permitted devices) to allow the use of an electronic device to be worn on the ear and § 141.21 (relating to hen ringneck pheasant) by adding four additional counties to the either-sex pheasant hunting zones.

Amend § 141.41 (relating to general) to add elk to existing language regarding daylight fluorescent orange-colored material and to prohibit the use of a muzzleloading handgun to hunt for deer, bear or elk, § 141.42 (relating to big game animal hunting roster) by adding elk, § 141.43 (relating to deer) to change the name of the late muzzleloader season to flintlock muzzleloader season, § 141.45 (relating to turkey) by removing the unlawful use of a blind while hunting wild turkey and to remove area 9-A, § 141.46 (relating to the map of Pennsylvania turkey management areas) by changing the boundary lines that separate turkey management areas 9-A and 9-B to be consistent with the *Hunting and Trapping Digest*, and §§ 141.47 and 141.48 (relating to elk; and elk management areas) by adding new language regarding hunting methods and license application requirements.

Amend § 141.62 (relating to beaver trapping) to lessen restrictions on beaver trapping in Furbearer Management Area No. 3, and § 141.65 (relating to trapping restrictions on Pine Creek) to make it reserved.

These amendments will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for this proposed rulemaking is 34 Pa.C.S. (relating to the Game and Wildlife Code) (code).

These proposals were made public at the January 23, 2001, meeting of the Commission, and comments on these proposals can be sent to the Executive Director of the Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until April 6, 2001.

Proposed Amendment to § 141.1

1. Introduction

To more effectively manage the wildlife resources of this Commonwealth, the Commission at its January 23, 2001, meeting proposed changing § 141.1 to allow the use of a bows and arrows, crossbows and muzzleloading long guns to kill deer. To be lawful, a crossbow must have a draw weight of not less than 125 pounds nor more than 200 pounds. This change is proposed under section 2102 of the code (relating to regulations).

2. Purpose and Authority

At its October 12, 2000, meeting, the Commission adopted a change to § 141.1 to allow the use of all types of muzzleloading firearms to hunt deer in special regulation areas. Since that final adoption, some safety concerns have arisen, so that the Commission is now proposing only the use of muzzleloading long guns. In addition, the act of December 20, 2000 (P. L. 452, No. 111) (Act 111) amended section 2308(a) of the code (relating to unlawful devices and methods), to remove the crossbow from the list of unlawful devices. To provide more options for deer hunters in special regulation areas, the Commission is proposing to additionally allow the use of bows and arrows, during all seasons and crossbows with a draw weight of not less than 125 pounds nor more than 200 pounds during the regular firearms seasons.

Section 2102(a) of the code directs the Commission to "... promulgate such regulations as it deems necessary and appropriate concerning... the ways, manner, methods, and means of hunting or furtaking..." Section 2102(d) of the code also directs the Commission to promulgate regulations stipulating "...the type of firearms and ammunition and other devices which may be used..." The change is proposed under this authority.

3. Regulatory Requirements

The proposed amendment will expand options for deer hunters in special regulations areas, however, they will limit the use of crossbows and the use of muzzleloading firearms to long guns.

4. Persons Affected

Individuals wishing to hunt deer in special regulations areas with muzzleloading firearms, bows and arrows, and crossbows will be affected by the proposals.

5. Cost and Paperwork Requirements

The proposed change should not result in additional cost or paperwork.

Proposed Amendment to § 141.18

1. Introduction

To more effectively manage the wildlife resources of this Commonwealth, the Commission at its meeting held on January 23, 2001, proposed amending § 141.18 to authorize the use of electronic sound amplification devices while hunting. This change is proposed under section 2102(d) of the code.

2. Purpose and Authority

Section 141.6(6) provides that it is unlawful to "hunt or take wildlife through the use of an electronic contrivance or device not permitted by Commission regulation." This provision could be construed as prohibiting hearing aids and other hearing assisting devices which do not give hunters an unfair advantage. The proposed addition of paragraph (2) will clearly permit the use of these devices.

Section 2102(d) of the code directs the Commission to "... promulgate regulations stipulating... the type of firearms and ammunition and other devices which may be used..." to hunt. This provision provides authority for the proposed amendment.

3. Regulatory Requirements

The proposed amendment will clarify and potentially expand what is currently allowed.

4. Persons Affected

Individuals wishing to use hearing assisting devices to hunt will be allowed to do so.

5. Cost and Paperwork Requirements

The proposed change should not result in additional cost or paperwork.

Proposed Amendment to § 141.21

1. Introduction

To more effectively manage the wildlife resources of this Commonwealth, the Commission at its January 23, 2001, meeting proposed changing the map contained in § 141.21 to add four counties, Beaver, Butler, Lawrence and Mercer, to those where pheasants of either sex can be harvested. This change was proposed under section 322(c)(1) of the code (relating to powers and duties of commission) and section 2102(b)(1) of the code.

2. Purpose and Authority

Section 141.21 currently allows the hunting of male pheasants only in Beaver, Butler, Lawrence and Mercer Counties. The poor quality of the pheasant habitat in these counties and the fact that no significant pheasant habitat restoration work is taking place make it very unlikely that wild pheasant populations will recover. At the same time, the harvest of stocked pheasants is reduced by the male pheasant only restriction. The Commission is therefore proposing to allow the taking of pheasants of either sex in those counties to maximize harvest of stocked pheasants.

Section 322 of the code specifically empowers the Commission to remove protection from any species of game or wildlife. Section 2102(b) of the code mandates that the Commission promulgates regulations relating to seasons and bag limits. These sections provide the authority for the proposed change.

3. Regulatory Requirements

The proposed change would relax current regulatory requirements.

4. Persons Affected

Persons wishing to hunt pheasants in Beaver, Butler, Lawrence and Mercer Counties would be affected by the change.

5. Cost and Paperwork Requirements

The proposed change would not result in any additional cost, either to the Commission or to hunters.

Proposed Amendments to §§ 141.41, 141.42, 141.47 and 141.48

1. *Introduction*

Act 111 added paragraph (15) to section 2705 of the code (relating to classes of licenses), which provides for issuance by the Commission of elk hunting licenses. In addition, the Commission has proposed regulations providing for an elk hunting season in this Commonwealth in 2001. As a result, the Commission at its January 23, 2001, meeting proposed amending §§ 141.41, 141.42, 141.47 and 141.48 to regulate elk hunting. These changes were proposed under section 2102 of the code.

2. *Purpose and Authority*

The elk population in this Commonwealth has been increasing in recent years. This has resulted in increased complaints of nuisance elk and a larger number of incidents of elk being shot for crop damage. Also, as was previously stated, the legal framework for an elk hunting season is being established. One of the final steps is the establishment of lawful methods and procedures that may be used to hunt elk.

The proposed changes to § 141.41 involve adding elk hunting to the requirement to wear fluorescent orange-colored material and elk to a prohibition against using a muzzleloading handgun. The proposed changes to § 141.41 will require a roster for groups of five or more persons who hunt elk together. The remaining proposed changes will add §§ 141.47 and 141.48 relating to big game. Section 141.47 will establish what firearms are lawful for hunting elk and § 141.48 will establish elk management areas.

Section 2102(a) of the code provides that: "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." This provision supplies the authority for the proposed changes.

3. *Regulatory Requirements*

The proposed changes establish the following requirements for those wishing to hunt elk.

- a. Must wear fluorescent orange-colored material.
- b. Maintain a roster where five or more persons hunt together or cooperate.
- c. Rifles, shotguns, long gun muzzleloaders, bows and arrows and crossbows may be used but each firearm has specific requirements.
- d. Elk management units are specifically designated.

4. *Persons Affected*

Persons wishing to hunt elk or living in the elk range may be affected by the proposed changes.

5. *Cost and Paperwork Requirement*

There should be no additional cost to the Commission or to hunters resulting from the proposed changes. The only paperwork requirement is the maintenance of a roster where five or more persons hunt together.

Proposed Amendment to § 141.45

1. *Introduction*

The act of December 20, 2000 (P. L. 937, No. 125) (Act 125) amended section 2308 of the code to allow the use of limited types of turkey blinds to hunt turkeys. As a result, the Commission has proposed amending § 141.45(a)(2) to eliminate a provision making it unlawful to use a blind to hunt wild turkey. In addition, § 141.45(a)(4) contained an exception to allow possession of rifles and single projectile ammunition in Turkey Management Area 9-A. The Commission is planning on releasing wild turkeys into this area and closing the turkey season in this area in the fall. These changes are proposed under section 2102 of the code.

2. *Purpose and Authority*

As was indicated in the Introduction, the use of certain turkey blinds to hunt turkey has been removed from the list of unlawful devices and methods contained in section 2308 of the code. To follow through on this action, the Commission is proposing to amend § 141.45(a)(2) to eliminate the prohibition against using a blind to hunt wild turkey.

Also because wild turkey populations are below satisfactory levels in Turkey Management Area 9-A, the Commission is planning to release wild turkeys in that area. The Commission is planning to close the turkey season in the fall. This requires an amendment to § 141.45(a)(4).

Section 2102 of the code directs the Commission to promulgate regulations "...as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth." This section provides authority for the proposed change.

3. *Regulatory Requirements*

The proposed change to § 141.45(a)(2) relaxes current requirements. The proposed change to (a)(4) prohibits hunting turkeys with rifles in Turkey Management Area 9-A.

4. *Persons Affected*

Those wishing to hunt turkeys will be affected by the proposed change.

5. *Cost and Paperwork Requirements*

The proposed change would not result in additional cost, either to the Commission or to hunters.

Proposed Amendments to §§ 141.5, 141.62 and 141.65

1. *Introduction*

The beaver population in this Commonwealth has been increasing. There has been a corresponding increase in complaints about beavers and damage they may cause. As a result, the Commission at its January 23, 2001, meeting proposed changing §§ 141.5, 141.62 and 141.65 to expand opportunities to harvest beavers and simplify requirements to do so. These changes were proposed under section 2102(a) of the code.

2. *Purpose and Authority*

As was mentioned in the Introduction, the beaver population in this Commonwealth is increasing. With this increase come more complaints of nuisance beavers, particularly flooding areas. The increasing population will allow for an increased harvest of beavers which would eliminate some of the conflicts.

The proposed changes to § 141.5 will eliminate a 50¢ beaver tagging fee which trappers and wildlife conservation officers have found burdensome. The proposed change to § 141.62 will relax restrictions on placement of a trap or snare near a beaver dam or house in Furbearer Management Area No. 3 which encompasses northeastern Commonwealth. Finally, the Commission has proposed deleting § 141.65 relating to trapping restrictions on Pine Creek.

Section 2102(a) of the code directs the Commission to "... promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth..." This provision authorizes the proposed change.

3. *Regulatory Requirements*

The proposed changes will relax current requirements.

4. *Persons Affected*

Individuals wishing to trap beavers in this Commonwealth will be affected by the proposals.

5. *Cost and Paperwork Requirements*

The proposed changes should not result in additional cost or paperwork.

Proposed Amendments to §§ 141.41 and 141.43

1. *Introduction*

To more effectively manage the wildlife of this Commonwealth and provide for the safety of persons involved in muzzleloader hunting, the Commission at its January 23, 2001, meeting proposed amending §§ 141.41 and 141.43 to prohibit the use of muzzleloading handguns to hunt for deer, bear or elk. This change is proposed under section 2102(d) of the code.

2. *Purpose and Authority*

Although the Commission only legalized the use of muzzleloading handguns in 2000, concerns about safety and "quick-kill" have arisen with regard to the use of these firearms for big game hunting.

Section 2102(d) of the code provides that: "The Commission shall promulgate regulations stipulating "... the type of firearms and ammunition and other devices which may be used..." This section provides the authority for the proposed changes.

3. *Regulatory Requirements*

The proposed changes make it unlawful to hunt for deer, bear or elk through the use of a muzzleloading handgun.

4. *Persons Affected*

Those wishing to hunt for deer, bear or elk using a muzzleloading handgun would be affected by the proposed changes.

5. *Cost and Paperwork Requirements*

The proposed changes would not result in any additional cost, either to the Commission or to hunters.

Proposed Amendment to § 141.43

1. *Introduction*

Act 111 removed the crossbow from the list of unlawful hunting devices contained in section 2308 of the code. As a result, the crossbow can be used to hunt when authorized by the Commission. Use of the crossbow is currently limited to the hunting of deer in the Special Regulations Areas during the rifled deer season. This may be expanded, however, and the Commission at its January 23,

2001, meeting has therefore proposed adding "or crossbow" to § 141.43(a) of the code. In addition, the Commission has decided to have two muzzleloader deer seasons, one in the fall and one in winter, after Christmas. To distinguish between them, the Commission has decided to change the section to refer to "flintlock muzzleloading" season (after Christmas) and "muzzleloading" season (fall). These changes are proposed in section 2102 of the code.

2. *Purpose and Authority*

As was indicated in the Introduction, with the change in the law to remove the crossbow from the unlawful device list, it is important to establish that the restrictions contained in § 141.43(a) would also apply in a season where the crossbow could be used.

Also, with the addition of a second muzzleloading deer hunting season, the Commission has decided to refer to those seasons using different terminology. The fall season will be the "muzzleloading season" and the winter season will be "flintlock muzzleloading season." The proposed changes to § 141.43 of the code will reflect this change.

Section 2102(b)(1) of the code directs the Commission to promulgate "... regulations relating to seasons and bag limits for hunting... and the number and types of devices and equipment allowed..." This section provides the authority for the proposed changes.

3. *Regulatory Requirements*

No additional regulatory requirements will be imposed as a result of the proposed change.

4. *Persons Affected*

Persons wishing to hunt deer using a crossbow or during muzzleloading seasons may be affected by the proposed change.

5. *Cost and Paperwork Requirements*

The proposed change would not result in additional cost, either to the Commission or to hunters.

Proposed Amendment to § 141.46

1. *Introduction*

It has been determined that there is an inconsistency in the boundary line between Turkey Management Areas 9-A and 9-B as shown on the maps contained in the "Pennsylvania Digest of Hunting and Trapping Regulations," Wild Turkey Management Plan and the map contained in § 141.46. To reconcile these maps, the Commission at its January 23, 2001, meeting, proposed to amend that section to include a consistent map. This change is proposed under sections 322(c)(4) and 2102 of the code.

2. *Purpose and Authority*

The map currently contained in § 141.46 shows the boundary between Turkey Management Areas 9-A and 9-B as being Route I-76. The map contained on page 13 of the "Pennsylvania Digest of Hunting and Trapping Regulations, July 1, 2000—June 30, 2001" shows the boundary being Route I-276. The proposed change to § 141.46 will make the boundary I-276 and make all maps consistent.

Section 322(c)(4) of the code authorizes the Commission to "define geographic limitations or restrictions." Section 2102 of the code directs the Commission to promulgate "... such regulations as it seems necessary appropriate concerning game or wildlife..." These sections provide authority for the proposed change.

3. Regulatory Requirements

This slight change in boundary, which mostly involves the city of Philadelphia, will not impose additional requirement, but rather clear up some confusion.

4. Persons Affected

Those wishing to hunt turkey between Routes I-76 and I-276 could be affected by the proposed change.

5. Cost and Paperwork Requirements

The proposed change would not result in additional cost, either to the Commission or to hunters.

Effective Date

This change would be effective on final publication in the *Pennsylvania Bulletin* and would remain in effect until changed by the Commission.

Contact Person

For further information on the proposed changes the contact persons is David E. Overcash, Acting Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS,
Executive Director

(*Editor's Note:* An outstanding amendment to § 141.1 is scheduled to be printed in the May 2001 *Pennsylvania Code Reporter*.)

Fiscal Note: 48-129. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§ 141.1. Special regulations areas.

* * * * *

(d) *Permitted acts.* It is lawful to:

(1) Except in Philadelphia County, Ridley Creek State Park, Delaware County and Tyler State Park, Bucks County, hunt and kill deer through the use of a **bow and arrow**, muzzleloading [**firearm**] **long gun** or a shotgun, at least .410 gauge (rifled barrels permitted), including semiautomatics which, upon discharge, propel a single projectile.

* * * * *

(5) **Take deer with a crossbow with a draw weight of not less than 125 pounds nor more than 200 pounds during the regular firearms seasons.**

§ 141.5. Furbearer tagging requirements.

(a) *Tag required.*

* * * * *

(3) The fee for the tag is 50¢ **except for beaver.**

* * * * *

§ 141.18. Permitted devices.

The following devices may be used to hunt or take wildlife:

(1) Any manually operated firearm that uses an electronic impulse to detonate the primer or main powder charge of the cartridge unless manually operated firearms are a specifically prohibited device.

(2) **Electronic sound amplification devices that are completely contained in and or on the hunter's ear. This does not include any device or devices that completely cover the ear or ears.**

Subchapter B. SMALL GAME

§ 141.21. Hen ringneck pheasant.

* * * * *

(*Editor's Note:* See 31 Pa.B. 2025 (April 14, 2001) for the map of Pennsylvania Pheasant Hunting Areas.)

Subchapter C. BIG GAME

§ 141.41. General.

It is unlawful to:

* * * * *

(2) Hunt for or assist to hunt for deer [**or**], bear **or elk** during the regular firearms season without wearing a minimum of 250 square inches of daylight fluorescent orange-colored material. The material shall be worn on the head, chest and back combined so it is visible in a 360° arc.

(3) **Hunt for deer, bear or elk through the use of any muzzleloading handgun.**

§ 141.42. Big game animal hunting roster.

(a) Rosters are required for groups of five or more persons who are members of a permanent camp and hunt together for deer [**or**], bear [,] **or elk**, or cooperate with others to hunt for deer [**or**], bear **or elk**.

* * * * *

§ 141.43. Deer.

(a) *Archery season.* It is unlawful while hunting deer with a bow and arrow **or crossbow** during the archery season to:

* * * * *

(b) [**Muzzleloading**] **Flintlock muzzleloading and muzzleloading season.** Firearms lawful for use are original muzzleloading single-barrel **long** guns manufactured prior to 1800, or a similar reproduction of an original muzzleloading single-barrel **long** gun which:

* * * * *

(d) *Prohibitions.* It is unlawful to:

* * * * *

(5) Hunt for or assist to hunt for deer during any flintlock muzzleloading **or muzzleloading** season that precedes the regular firearms season for deer without wearing a minimum of 250 square inches of daylight fluorescent orange-colored material on the head, chest and back combined so that it is visible in a 360° arc.

(e) *Archery, flintlock muzzleloader and muzzleloader seasons.* When archery, **flintlock muzzleloader or muzzleloader** seasons run concurrently, holders of [**either license**] **any of the appropriate licenses** or

[stamp] stamps may cooperate if pertinent provisions of this section and the act are met.

* * * * *

§ 141.45. Turkey.

(a) While hunting wild turkey it is unlawful to:

* * * * *

(2) Use [a blind,] dogs, drives or electronic callers.

* * * * *

(4) Use or possess rifles or single projectile ammunition, except arrows, in Turkey Management Areas 1-A, 1-B[, 9-A] and 9-B.

* * * * *

§ 141.46. Turkey management areas.

* * * * *

(Editor's Note: See 31 Pa.B. 2026 (April 14, 2001) for the map of Pennsylvania Turkey Management Areas.)

§ 141.47. Elk.

It is unlawful while hunting elk to:

(1) Use any rifle or handgun which is not centerfire and at least .27 caliber.

(2) Use any shotgun less than 12 gauge.

(3) Use muzzleloading firearms other than long guns which are at least .50 caliber and propels a single-projectile that weighs at least 210 grains.

(4) Use any projectile which is not all lead or designed to expand on impact and at least 130 grains.

(5) Use any bow with a draw weight less than 45 pounds or a draw length less than 28 inches.

(6) Use any arrow that is not equipped with a broadhead that has an outside diameter or width of at least 1 inch with no less than 2 fixed, steel cutting edges and each cutting edge must be in the same plane throughout the length of the cutting surface.

(7) Use any crossbow with a draw weight less than 125 pounds or more than 200 pounds.

(8) After lawfully killing an elk, fail to mark the kill sight under Commission instructions provided at the orientation.

§ 141.48. Elk management areas.

(a) The divisional line between two or more elk management areas shall be the center of the highway, natural water course or other natural boundary.

(b) The outline map of Pennsylvania sets forth elk management areas.

(Editor's Note: See 31 Pa.B. 2027 (April 14, 2001) for the map of Pennsylvania Elk Management Areas.)

Subchapter D. TRAPPING

§ 141.62. Beaver trapping.

* * * * *

(b) *Unlawful acts.* It is unlawful to:

* * * * *

(2) [Place] Except in Furbearer Management Area No. 3, place, check, reset or tend a trap or snare on an established beaver dam or beaver house, or within 15 feet of either a dam, or a house. Measurement shall be from directly above the trap or snare, across the water, ice or land to the nearest point of the structure.

* * * * *

(4) In an area where beavers are known to inhabit, set tend or operate more than a combined total of [ten] 20 traps or snares no more than 10 of which may be traps. No more than two of the traps may be body gripping traps except in Furbearer Management Area No. 3 and the counties of [Bradford,] McKean, Potter, [Susquehanna,] and Tioga [and Wayne] where the two body gripping trap limit does not apply.

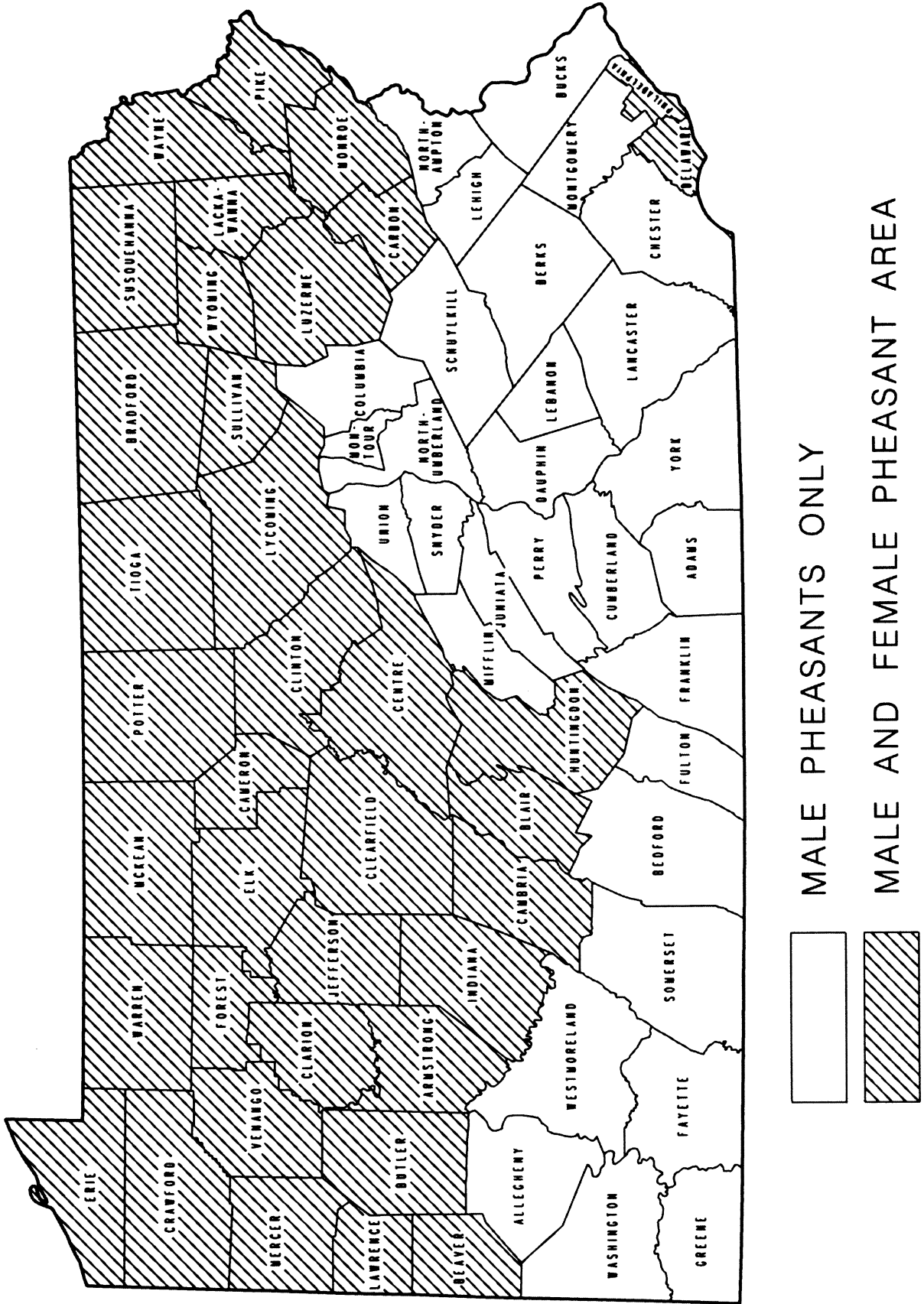
* * * * *

§ 141.65. [Trapping restrictions on Pine Creek] (Reserved).

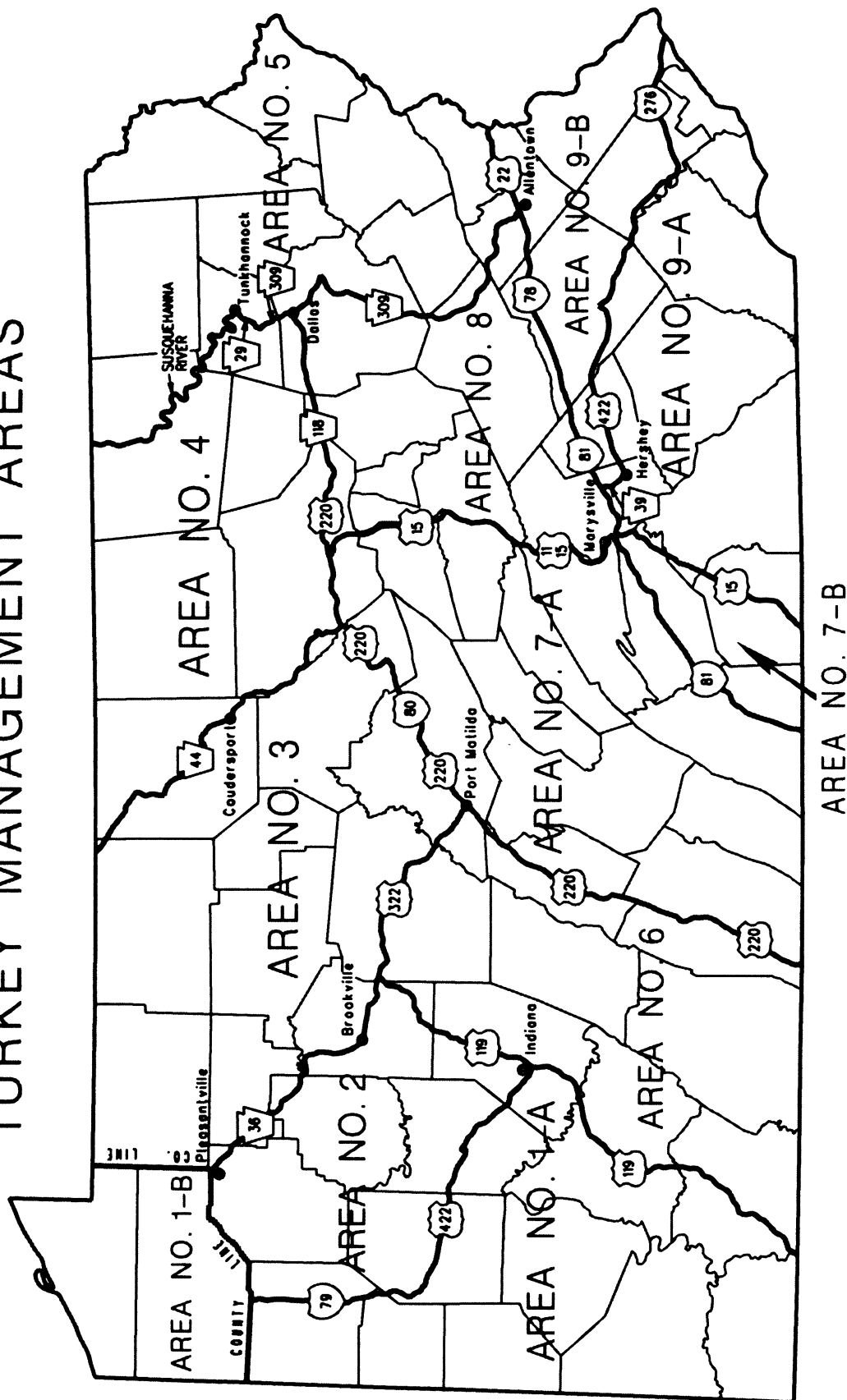
[(a) It is unlawful to place, set, tend, check or reset a trap larger than a 4-1/2 inch jaw spread. Measurement shall be made across the trigger area of the trap.

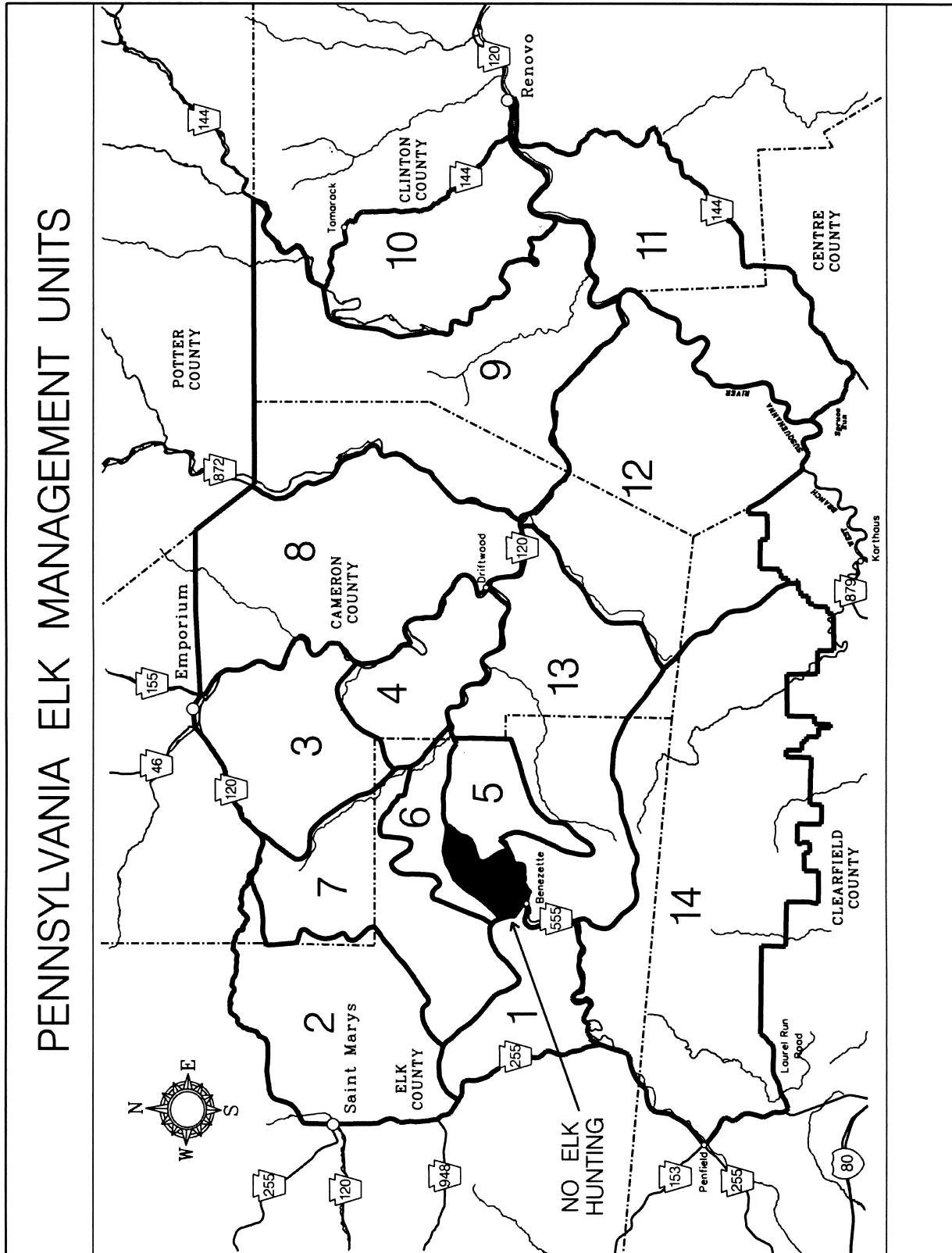
(b) This trap restriction will be in the Pine Creek or within 25 feet of the water's edge beginning at the confluence of the Pine Creek with the west branch of the Susquehanna River and continuing upstream to the dam, located in the Borough of Galeton.]

PENNSYLVANIA PHEASANT HUNTING AREAS



PENNSYLVANIA TURKEY MANAGEMENT AREAS





[Pa.B. Doc. No. 01-640. Filed for public inspection April 13, 2001, 9:00 a.m.]

NOTICES

DELAWARE RIVER BASIN COMMISSION

Notice of Commission Meeting and Public Hearing

The Delaware River Basin Commission (Commission) will hold an informal conference followed by a public hearing on Thursday, April 19, 2001. The hearing will be part of the Commission's regular business meeting. Both the conference session and business meeting are open to the public and will be held at the New York City Municipal Building, One Centre Street, Building One, Room 1019, in lower Manhattan.

The conference among the Commissioners and staff will begin at 10 a.m. Topics of discussion will include a progress report on the Commission's Comprehensive Plan; the status of a proposal to improve the flood warning system in the Delaware River Basin; and a summary of the Toxics Advisory Committee meeting of March 23, 2001, and related activities. The session will conclude with a historical slide presentation on the New York City water supply system.

The subjects of the public hearing to be held during the 1 p.m. business meeting include, in addition to the dockets listed, a resolution to amend the Commission's Comprehensive Plan and Water Code to establish water usage reporting requirements.

The dockets scheduled for public hearing are as follows:

1. *New York State Department of Environmental Conservation D-77-20 (Revision 4)*. A resolution to continue for 1 year the experimental augmented conservation release program for the New York City Delaware Basin Reservoirs.

2. *Merrill Creek Owners Group D-77-110 CP (Amendment 11)*. A resolution to amend Table A (Revised) of Docket No. D-77-110 CP (Amendment 10) to include the addition of the Liberty Electric Power, LLC facility as a "Designated Unit."

3. *Merrill Creek Owners Group D-77-110 CP (Amendment 12)*. A resolution to amend Table A (Revised) of Docket No. D-77-110 CP (Amendment 11) to include the addition of the Hay Road Unit #8 as a "Designated Unit."

4. *Pechiney Plastic Packaging, Inc. (formerly American National Can Company) D-97-50 RENEWAL*. An application for approval of a ground water withdrawal project to supply up to 14 mg/30 days of water to the applicant's manufacturing facility from new Well No. 5 in the Kittatinny Aquifer and to retain the existing withdrawal limit from all wells of 14 million gallons (mg)/30 days. The project is located in Washington Borough, Warren County, NJ.

5. *Bucks County Water & Sewer Authority D-99-66 CP*. An application for approval of a ground water withdrawal project to supply up to 6.4 mg/30 days of water to the applicant's distribution system from new Well No. S-3 in the Brunswick Formation and to limit the withdrawal from all wells to 6.4 mg/30 days. The project is located in Solebury Township, Bucks County, PA.

6. *Buckingham Township D-2000-38 CP*. An application for approval of a ground water withdrawal project to supply up to 3 mg/30 days of water to the applicant's public water distribution system from new Well No. F-3 in the Lockatong Formation and to retain the existing withdrawal limit from all wells of 33.2 mg/30 days. The project is located in Buckingham Township, Bucks County in the Southeastern Pennsylvania Ground Water Protected Area.

7. *Hellertown Borough Authority D-2000-53 CP*. A ground water withdrawal project to provide a standby source of supply for the applicant's public water distribution system which will continue to serve Hellertown Borough and Lower Saucon Township. The applicant requests that the withdrawal from standby Well No. 3 in the Limestone Aquifer be limited to 22 mg/30 days and that the total withdrawal from all sources remain limited to 22 mg/30 days. The project is located in Hellertown Borough, Northampton County, PA.

8. *Upper Uwchlan Township D-2000-55 CP*. An application to construct a 0.3 mgd secondary lagoon sewage treatment plant (STP) and spray irrigation system to serve development along the Route 100 North corridor of Upper Uwchlan Township, Chester County, PA. No surface water discharge is proposed.

In addition to the public hearing, the Commission will address the following at its 1 p.m. business meeting: minutes of the February 28, 2001, business meeting; announcements; report on hydrologic conditions in the basin; reports by the Executive Director and General Counsel; public dialogue; and resolutions 1) approving a working budget for the Comprehensive Plan and authorizing the Executive Director to issue a request for proposals for consultant services consistent with that budget; and 2) authorizing the Executive Director to issue a request for proposals to initiate a PCB TMDL stakeholder implementation process to implement the Commission's PCB management program.

Documents relating to the dockets and other items may be examined at the Commission's offices. Preliminary dockets are available in single copies upon request. Please contact Thomas L. Brand at (609) 883-9500 ext. 221 with any docket-related questions. Persons wishing to testify at this hearing are requested to register in advance with the Secretary at (609) 883-9500 ext. 203.

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act who wish to attend the hearing should contact the Commission Secretary, Pamela M. Bush, directly at (609) 883-9500 ext. 203 or through the New Jersey Relay Service at (800) 852-7899 (TTY) to discuss how the Commission may accommodate their needs. Driving directions to the meeting location are posted on the Commission's website, at www.drbc.net.

PAMELA M. BUSH,
Secretary

[Pa.B. Doc. No. 01-641. Filed for public inspection April 13, 2001, 9:00 a.m.]

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending April 3, 2001.

BANKING INSTITUTIONS

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-26-01	Iron and Glass Bank Pittsburgh Allegheny County Purchase of assets/assumption of liabilities of one branch office of First Commonwealth Bank, Indiana, located at: 3400 South Park Road Bethel Park Allegheny County	Pittsburgh	Effective
3-30-01	The Peoples State Bank, East Berlin, and The Glen Rock State Bank, Glen Rock Surviving institution—The Peoples State Bank, East Berlin <i>Branch Acquired Via Merger:</i> 57-59 Main Street Glen Rock York County	East Berlin	Effective
4-3-01	Fulton Bank Lancaster Lancaster County Purchase of assets/assumption of liabilities of one branch office of Sovereign Bank, Wyomissing, located at: 863 East Baltimore Pike Kennett Square Chester County	Lancaster	Approved

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-19-01	Mifflin County Savings Bank Lewistown Mifflin County	101 East Market St. Lewistown Mifflin County	Opened
4-3-01	Stonebridge Bank Exton Chester County	624 Willowbrook Lane West Goshen Chester County	Filed

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-29-01	Parkvale Savings Bank Monroeville Allegheny County	<i>To:</i> 74 Allegheny River Boulevard Verona Allegheny County <i>From:</i> 736 Allegheny River Blvd. Verona Allegheny County	Effective

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-23-01	First Commonwealth Bank Indiana Indiana County	3400 S. Park Rd. Bethel Park Allegheny County	Effective

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
4-1-01	White Rose Credit Union, York, and Stanreco Federal Credit Union, York Surviving Institution—White Rose Credit Union, York	York	Effective
4-1-01	Postmark Credit Union, Harrisburg, and DAUCO Federal Credit Union, Harrisburg Surviving Institution—Postmark Credit Union, Harrisburg	Harrisburg	Effective
4-3-01	Witco Credit Union, Petrolia, and Penacol Federal Credit Union, Petrolia Surviving Institution—Penacol Federal Credit Union, Petrolia	Petrolia	Filed

JAMES B. KAUFFMAN, Jr.,
Secretary

[Pa.B. Doc. No. 01-642. Filed for public inspection April 13, 2001, 9:00 a.m.]

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of May 2001

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of May, 2001, is 7 3/4%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. 96-221). Further preemption was instituted with the signing of Pub. L. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which such individual owns and which such individual occupies or has occupied as his principal residence.

Each month the Department of Banking is required by State law to compute and announce the ceiling rate on residential mortgages in Pennsylvania. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the U.S. Treasury. The latest yield rate on long-term government securities is 5.24 to which was added 2.50 percentage points for a total of 7.74 that by law is rounded off to the nearest quarter at 7 3/4%.

JAMES B. KAUFFMAN, Jr.,
Secretary

[Pa.B. Doc. No. 01-643. Filed for public inspection April 13, 2001, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Conservation and Natural Resources Advisory Council; Meeting Notice

Notice is hereby given of a meeting of the Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) on Wednesday, April 25, 2001. The meeting will be held at 10 a.m. in Room 105, Lobby level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to Kurt Leitholf at (717) 705-0031.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Claire Guisewite directly at (717) 705-0031 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

PAULETTE JOHNSON,
Chairperson

[Pa.B. Doc. No. 01-644. Filed for public inspection April 13, 2001, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS

NPDES APPLICATIONS

PART I PERMITS

Under the Federal Clean Water Act and the Pennsylvania Clean Streams Law, the following parties have applied for an NPDES permit or to renew their current permit to discharge controlled wastewaters into the waters of this Commonwealth or to conduct other activities required by the NPDES permit. For renewal applications listed in Section I below, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements. For all new permit applications, renewal application with major changes or applications for permits not waived by EPA, the Department, based upon preliminary reviews, also made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications listed in Section II below. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise below, the EPA Region III Administrator has waived the right to review or object to this proposed permit action under the waiver provision 40 CFR 123.24(d).

Persons wishing to comment on the proposed permit are invited to submit a statement to the office noted above the application within 30 days from the date of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding this application. The comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant. Following the comment period, the Department's Water Management Program Manager will make a final determination regarding these applications. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The renewal application, including proposed effluent limitations and special conditions, is available on file. For new permit applications, information submitted with the applications is available on file. The information may be inspected and arrangements made for copying at the office indicated above the application.

Persons with a disability, who require an auxiliary aid service, including TDD users or other accommodations to seek additional information, should contact the Department through the Pennsylvania AT&T Relay service at (800)-654-5984.

I. NPDES Renewal Applications

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0081744	York County Solid Water & Refuse Authority 2700 Blackbridge Road York, PA 17402-7901	York County Hopewell Township	UNT Rambo Run & UNT Ebaugh's Run (7I—Kruetz/Muddy Creeks)	Yes
PA0029106	Greenfield Township Municipal Authority R. D. 1, Box 948 Claysburg, PA 16625	Blair County Greenfield Township	Frankstown Branch Juniata River (11-A—Frankstown Branch Juniata River/Little Juniata River)	Yes
PA0024350	Dauphin Borough Municipal Authority 200 S. Church St. Dauphin, PA 17018	Dauphin County Dauphin Borough	Susquehanna River (7-C—Clark/Paxton Creeks)	Yes
PA0009288	Milton Hershey School 1201 Homestead Lane Hershey, PA 17033	Dauphin County Derry Township	UNT Spring Creek (7-D—Swatara Creek)	Yes
PA0084247	Berk-Tek, Inc. 132 White Oak Rd. New Holland, PA 17557	Lancaster County Earl Township	UNT Conestoga River (7-J—Conestoga River)	Yes

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0082333	Conestoga Hills Community 1230 Stoney Lane Conestoga, PA 17516	Lancaster County Conestoga Township	UNT Stehman's Run (7-J— Conestoga River)	Yes
PA0082619	WTS Properties, LLC Shangri-La Mobile Home Park P. O. Box 278 King of Prussia, PA 19406	York County Newberry Township	Conewago Creek (7-F—Conewago Creek)	Yes
PA0084646	Southern Fulton Elementary School 13083 Buck Valley Rd. Warfordsburg, PA 17267	Fulton County Bethel Township	UNT White Oak Run (13-B Lick- ing—Tonoloway Creeks)	Yes
PA0082023	Upper Leacock Township 115 Newport Road Leola, PA 17540-0325	Lancaster County Upper Leacock Township	Tributary to Mill Creek & Conestoga River (7-J—Conestoga River)	Yes
PA0081418	Rutter's Dairy Inc. 2100 N. George St. York, PA 17404	York County Manchester Township	UNT Codorus Creek	Yes

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0111431 Industrial Waste	H H Knoebel Sons, Inc. R. R. #1 Box 317 Elysburg, PA 17824-0317	Columbia County Cleveland Township	Catawissa 5E	Yes Renewal
PA0110540 Industrial Waste	Furman Foods Inc. P. O. Box 500 Northumberland, PA 17857-0500	Northumberland County Point Township	Muncy 10D	Yes Renewal

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

PA0221970, Industrial Waste. **Greenville Borough Municipal Authority**, 44 Clinton Street, P. O. Box 638, Greenville, PA 16125.

This facility is located in Greenville Borough, **Mercer County**.

Description of Proposed Activity: renewal of industrial waste discharge.

The receiving stream, the Shenango River, is in watershed 20A and classified for warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂—NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is Reynolds Water Company on the Shenango River located at Pymatuning Township, approximately 3 miles below point of discharge.

The proposed effluent limits for Outfall 001, based on a design flow of 0.6 MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	XX				
Aluminum	20	40	4.0	8.0	10.0
Manganese	5.0	10	1.0	2.0	2.5
Iron (T)	10	20	2.0	4.0	5.0
Total Suspended Solids	150	300	30	60	75
Total Residual Chlorine			0.5		1.6
pH	Within limits of 6.0 to 9.0 standard units at all times.				

XX—Monitor and report on monthly DMRs.

The EPA Waiver is in effect.

II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Applications

Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

PA0013323, Industrial Waste, **The Boeing Company**, Route 29 and Stuart Avenue, Ridley Park, PA 19078.

This application is for renewal of an NPDES permit to discharge industrial wastewater and stormwater from the Boeing Company facility, in Ridley Township, Delaware County. These are existing discharges to Crum Creek, Darby Creek and the Delaware River.

The receiving streams are classified for the following uses: migratory fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 0.101 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Temperature			110°F
Total Suspended Solids	30	60	75
Total Dissolved Solids	1,000	2,000	2,500
Oil and Grease	15		30
pH (standard units)	6.0 (I-Min)		9.0

The proposed effluent limits for Monitoring Point 101, based on an average flow of 0.05 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30	60	75
Oil and Grease	15		30
Cadmium, Total	0.26	0.69	
Chromium, Total (+6)	1.71	2.77	
Copper, Total	2.07	3.38	
Lead, Total	0.43	0.69	
Nickel, Total	2.38	3.98	
Silver, Total	0.24	0.43	

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Zinc, Total	1.48	2.61	
Cyanide, Total	0.65	1.20	
Total Toxic Organics		2.13	
pH (standard units)	6.0 (I-Min)		9.0

The proposed effluent limits for Monitoring Point 201, based on an average flow of 0.015 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30	60	75
Oil and Grease	15		30
Cadmium, Total	0.26	0.69	
Chromium, Total (+6)	1.71	2.77	
Copper, Total	2.07	3.38	
Lead, Total	0.43	0.69	
Nickel, Total	2.38	3.98	
Silver, Total	0.24	0.43	
Zinc, Total	1.48	2.61	
Cyanide, Total	0.65	1.20	
Total Toxic Organics		2.13	
pH (standard units)	6.0 (I-Min)		9.0

The proposed effluent limits for Outfalls: 002 through 004 and 009 through 024, based on an average storm event are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅		Monitor/Report
COD		Monitor/Report
Oil and Grease		Monitor/Report
pH		Monitor/Report
Total Suspended Solids		Monitor/Report
Total Kjeldahl Nitrogen		Monitor/Report
Total Phosphorus (as P)		Monitor/Report
Iron, Dissolved		Monitor/Report

The proposed effluent limits for Outfall 007, based on an average storm event are as follows:

<i>Parameter</i>	<i>Instantaneous Minimum (mg/l)</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Oil and Grease		15	30
pH (standard units)	6.0		9.0

The proposed effluent limits for Outfall 008, based on an average storm event are as follows:

<i>Parameter</i>	<i>Instantaneous Minimum (mg/l)</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Oil and Grease		15	30
pH (standard units)	6.0		9.0

The EPA Waiver is in effect.

No. PA0058203, Sewage, **Peter's Clay Pots**, 1320 North West End Boulevard, Quakertown, PA 18951.

This application is for issuance of an NPDES permit to discharge treated sewage from sewage treatment plant in Richland Township, **Bucks County**. This is a new discharge to unnamed tributary to Tohickon Creek.

The receiving stream is classified for the following uses: trout stocking fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 2,000 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10	20
Suspended Solids	10	20
Ammonia (as N)	3.0	6.0
Nitrite and Nitrate (as N)	10	20
Phosphorus (as P)	1.0	2.0
Total Residual Chlorine	0.5	1.2
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	Minimum of 3.0 mg/l at all times	
pH	Within limits of 6.0—9.0 Standard Units at all times	

The EPA Waiver is in effect.

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

PA#0061093, Sewage, **Monroe County Vocational Technical School**, P. O. Box 66, Laurel Lake Drive, Bartonsville, PA 18321.

This proposed facility is located in Pocono Township, **Monroe County**.

Description of Proposed Activity: Application is for renewal of an NPDES permit to discharge treated sewage from their existing sewage treatment facility.

The receiving stream, tributary to Pocono Creek, is in the State Water Plan watershed #016 and is classified for: high quality cold water fishery, aquatic life, water supply and recreation. The nearest downstream public water supply intake for East Stroudsburg Borough is located on McMichaels Creek is 5 miles below the point of discharge.

The proposed effluent limits for Outfall 001, based on a design flow of .015 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
CBOD ₅	25		50
Total Suspended Solids	30		60
NH ₃ -N			
(5-1 to 10-31)	3.0		6.0
(11-1 to 4-30)	9.0		18.0
Dissolved Oxygen	A minimum of 5.0 mg/l at all times.		
Fecal Coliform	200/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	1.2		2.8

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

PA0025399, SIC Code 4952, Sewage, **Christiana Borough**, 315 Newport Avenue, Christiana, PA 17509.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to Buck Run, in West Sadsbury Township, **Chester County**.

The receiving stream is classified for trout stocking fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂—NO₃, fluoride and phenolics, the existing downstream potable water

supply intake considered during the evaluation was Chester Water Authority located in Little Britain Township, Lancaster County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001, for a design flow of 0.25 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N (5-1 to 10-31)	17	XXX	34
Total Phosphorus	2	XXX	4
Total Residual Chlorine	0.5	XXX	1.6
Dissolved Oxygen	Minimum of 5.0 at all times		
pH	From 6.0 to 9.0 inclusive		
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	2,400/100 ml as a geometric average		

Individuals may make an appointment to review the DEP files on this case by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The EPA waiver is in effect.

PA 0038733, SIC Code 4952, Sewage, **East Providence Township Municipal Authority**, P. O. Box 83, Breezewood, PA 15533.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to an unnamed tributary to Tub Mill Run in Watershed 11-D, in East Providence Township, **Bedford County**.

The receiving stream is classified for warm water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂—NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was United Water Company located in Susquehanna Township, Dauphin County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001, for a design flow of 0.380 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N (5-1 to 10-31)	5	XXX	10
(11-1 to 4-30)	15	XXX	30
Total Phosphorus	2	XXX	4
Total Residual Chlorine	0.20	XXX	0.75
Dissolved Oxygen	Minimum of 5.0 at all times		
pH	From 6.0 to 9.0 at all times		
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	2,000/100 ml as a geometric average		

Individuals may make an appointment to review the DEP files on this case by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The EPA waiver is in effect.

PA 0085707, SIC Code 2015, Industrial Waste, **Cocalico Valley Poultry Farms**, 1095 Mount Airy Road, Stevens, PA 17578.

This application is for issuance of an NPDES permit for a new discharge of treated industrial waste to an unnamed tributary of Indian Run, in West Cocalico Township, **Lancaster County**.

The receiving stream is classified for trout stocking fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂—NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was the Lancaster Municipal Water Authority located in Lancaster City, Lancaster County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001, for a design flow of 0.012 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	30	60	75
Total Suspended Solids	40	80	100
NH ₃ -N	4	8	10

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Oil and Grease	15	-	30
Total Residual Chlorine	0.5	-	1.6
Dissolved Oxygen	Minimum 5.0 at all times		
pH	From 6.0 to 9.0 inclusive		
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	400/100 ml as a geometric average		

Individuals may make an appointment to review the DEP files on this case by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The EPA waiver is in effect.

PA 0080632, SIC Code 0161, Industrial Waste, **B & W Quality Growers, Inc. (Huntsdale Facility)**, 17825 79th Street, Fellsmere, FL 32948.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Yellow Breeches Creek in Watershed 7-E, in Penn Township, **Cumberland County**.

The receiving stream is classified for high quality cold water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂—NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was United Water Company located in Fairview Township, York County. The discharge is not expected to impact any potable water supply.

The proposed conditions apply to the facility:

1. There shall be no discharge of floating solids or visible foam in other than trace amounts.
2. Maintain straw bales or silt fence at cress bed outlets during planting or harvesting to minimize sediment discharges.
3. Limit pesticide use to Dipel, Malathion, Induce, Safer Insecticidal Soap, Neemix, Kocide 101 and Roundup without prior Department approval.
4. Cease discharging from cress beds if there is a potential for a pollution incident.
5. Submit monthly reports indicating pesticides used, application rates and acres treated.

Individuals may make an appointment to review the DEP files on this case by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The EPA waiver is in effect.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

PA0002054, Industrial Waste, SIC, 4911, **Reliant Energy**, 1001 Broad Street, Johnstown, PA 15907.

This application is for renewal of an NPDES permit to discharge treated process water, sewage, stormwater, untreated cooling water and stormwater runoff from Seward Generating Station in East Wheatfield Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, Conemaugh River, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is Saltsburg Municipal Water Works, located at Saltsburg, 22 miles below the discharge point.

Outfall 002: existing discharge

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Debris collected on the intake trash racks shall not be returned to the waterway.					

Other Conditions: Effluent chlorine minimization condition, influent pH monitoring, and conditions pertaining to storm water runoff and chemical additives, approval of a 316(a) variance.

Outfall 003: existing discharge

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Residual Chlorine				0.2	
Temperature			Monitor and Report		

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Heat	Heat discharged to the waterway shall not exceed 820.0 MBTU/hr.				
pH	not greater than 9.0				

Outfall 004: existing discharge

Parameter	Mass (lb/day)		Concentration (mg/l)		Instantaneous Maximum
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	
Flow	0.0072				
CBOD ₅			25	50	
Suspended Solids			30	60	
Total Residual Chlorine			3.5	7.0	
Chloroform	Monitor and Report				
Fecal Coliform					
(5-1 to 9-30)			200/100	ml	
(10-1 to 4-30)			100,000/100	ml	
pH	not less than 6.0 nor greater than 9.0				

Outfall 005: existing discharge

Parameter	Mass (lb/day)		Concentration (mg/l)		Instantaneous Maximum
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	
Total Residual Chlorine				0.2	
Temperature	Monitor and Report				
Heat	Heat discharged to the waterway shall not exceed 550.0 MBTU/hr.				
pH	not greater than 9.0				

Outfall 006: existing discharge

Parameter	Mass (lb/day)		Concentration (mg/l)		Instantaneous Maximum
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	
Total Suspended Solids			35	70	
Oil and Grease			15	20	30
Iron			3.5	7.0	
Manganese			2.0	4.0	
Aluminum			5.0	10.0	
pH	not less than 6.0 nor greater than 9.0				

Outfall 007: existing discharge

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
	This discharge shall consist solely of uncontaminated stormwater runoff				

Outfall 008: existing discharge

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
	This discharge shall consist solely of uncontaminated stormwater runoff				

Outfall 009: existing stormwater discharge

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Suspended Solids			Monitor and Report		
Aluminum			Monitor and Report		

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Iron			Monitor and Report		
Manganese			Monitor and Report		
Zinc			Monitor and Report		
Cyanide, total			Monitor and Report		
Cyanide, free			Monitor and Report		
Mercury			Monitor and Report		
Lead			Monitor and Report		
Arsenic			Monitor and Report		

Outfall 010: existing discharge

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
This discharge shall consist solely of uncontaminated stormwater runoff					

Outfall 011: existing discharge

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
This discharge shall consist solely of uncontaminated stormwater runoff cooling tower overflow.					

Outfall 012: existing discharge

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Iron			3.5	7.0	
Manganese			2.0	4.0	
Aluminum			5.0	10.0	
TSS			35	70	
pH	not less than 6.0 nor greater than 9.0				

Outfall 013: existing discharge

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
This discharge shall consist solely of uncontaminated stormwater runoff					

Outfall 017: existing discharge

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Iron			Monitor and Report		
Aluminum			Monitor and Report		
Manganese			Monitor and Report		
pH	Monitor and Report				

Outfall 018: existing discharge

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Iron			Monitor and Report		
Aluminum			Monitor and Report		

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Manganese					
pH	Monitor and Report		Monitor and Report		

Outfall 117: new discharge of stormwater runoff

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Iron			3.5	7.0	
Aluminum			2.0	4.0	
Manganese			5.0	10.0	
TSS			35	70	
pH	not less than 6.0 nor greater than 9.0				

Outfall 019: new discharge of stormwater runoff

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Iron			3.5	7.0	
Aluminum			2.0	4.0	
Manganese			5.0	10.0	
TSS			35	70	
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is not in effect.

PA0037940, Sewage, **Center Township Sewer Authority**, 224 Center Grange Road, Aliquippa, PA 15001.

This application is for renewal of an NPDES permit to discharge treated sewage from Elkhorn Run Wastewater Treatment Plant in Center Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Ohio River, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Midland Borough Water Works.

Outfall 001: existing discharge, design flow of 2 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	37.5		50
Suspended Solids	30	45		60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.5			1.0
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is not in effect.

PA0093271, Sewage, **Dyna-Craft Industries, Inc.**, 194 Goodview Drive, Apollo, PA 15613.

This application is for renewal of an NPDES permit to discharge treated sewage from Dyna-Craft Industries STP in Washington Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Beaver Run, which are classified as a trout stocked fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Buffalo Township Municipal Authority, Freeport Plant, on the Allegheny River.

Outfall 001: existing discharge, design flow of .0006 mgd.

Parameter	Average Monthly	Concentration (mg/l)		
		Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	15			30
Suspended Solids	20			40
Ammonia Nitrogen				
(5-1 to 10-31)	5			10
(11-1 to 4-30)	15			30
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	Monitor and Report			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

WATER QUALITY MANAGEMENT PERMITS CONTROLLED INDUSTRIAL WASTE AND SEWAGE WASTEWATER

APPLICATIONS UNDER THE PENNSYLVANIA CLEAN STREAMS LAW

PART II PERMITS

The following permit applications or requests for plan approval have been received by the Department of Environmental Protection (Department).

Persons wishing to comment on any of the applications are invited to submit a statement to the office noted above the application within 15 days from the date of this public notice. Comments received within this 15-day comment period will be considered in making the final decision regarding the application. The comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department reserves the right to hold a public hearing if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation of the area. If no hearing is held, the Department's Water Management Program Manager will make a final determination regarding the applications after a complete review. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

A copy of the permit application or proposed plan is on file in the office indicated and is open to public inspection. Appointments to review the application may be made by contacting Records Management at the indicated telephone number.

Industrial Waste and Sewerage Applications under The Clean Streams Law (35 P. S. §§ 691.1— 691.1001).

Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

WQM Permit No. 2301404. Sewage. **Concord Township Sewer Authority**, 664 Concord Road, Glen Mills, PA 19342. Applicant is requesting approval for the construction and operation of a wastewater pumping station

to serve an existing single-family home development known as Conestoga Farms, located in Concord Township, **Delaware County**.

WQM Permit No. 0901405. Sewage. **Thomas G. and Kathryn Kelso**, 1942 Lower State Road, Doylestown, PA 18901. Applicant is requesting approval for the construction and operation of a small flow treatment facility to serve the Kelso Residence located in Doylestown Township, **Bucks County**.

WQM Permit No. 1501407. Sewage. **New Garden Township Sewer Authority**, 8934 Gap Newport Pike, Landenberg, PA 19350. Applicant is requesting approval for the installation of three pumping stations and force main to serve the proposed Hartefeld Phase III development located in New Garden Township, **Chester County**.

WQM Permit No. 1501408. Sewage. **Unionville-Chadds Ford School District**, 740 Unionville Road, Kennett Square, PA 19348. Applicant is requesting approval for the construction and operation of a new 3,000-gallon sludge holding tank and two seepage beds to serve Hillendale Elementary School WWTP located in Pennsbury Township, **Chester County**.

WQM Permit No. 1501409. Sewage. **Oxford Area Sewer Authority**, P. O. Box 380, Oxford, PA 19363. Applicant is requesting approval for the construction and operation of a sewage pump station to serve Twin Ponds a residential subdivision located in East Nottingham Township, **Chester County**.

Southcentral Regional Office: Water Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

WQM Permit No. 0601402. Sewerage. **Leesport Borough Authority**, 10 East Wall Street, Leesport, PA 19533.

This proposed facility is located in Leesport Borough, **Berks County**.

Description of Proposed Action/Activity: Expand an existing 0.200 mgd wastewater treatment plant to 0.500 mgd.

WQM Permit No. 2801401. Sewerage. **Kelly M. Martin**, 1341 S. 5th Street, Chambersburg, PA 17201.

This proposed facility is located in Guildord Township, **Franklin County**.

Description of Proposed Action/Activity: Construction of small flow treatment plant to serve single family residence.

WQM Permit No. 0601403, Sewerage, **Jerry Seaser & Dawn O'Neill**, P. O. Box 145, Lenhartsville, PA 19534.

This proposed facility is located in Greenwich Township, **Berks County**.

Description of Proposed Action/Activity: Construction of small flow treatment system to serve single family residence.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

WQM Permit No. 1901401, Sewerage New, **Locust Township Municipal Authority**, 1223A Numidia Drive, Catawissa, PA 17820.

This proposed facility is located in Locust Township, **Columbia County**.

Description of Proposed Action/Activity: Locust Township Municipal Authority submitted an application package for the Village of Numidia, for a treatment plant and collection system to serve the village of Numidia. Application was received on March 2, 2001 at the Northcentral Regional office of DEP in Williamsport.

WQM Permit No. 5501401, Sewerage Rerate, **Kreamer Municipal Authority**, P. O. Box 220, Kreamer, PA 17833.

This proposed facility is located in Middlecreek Township, **Snyder County**.

Description of Proposed Action/Activity: Kreamer Municipal Authority submitted an application package for rerate of the wastewater treatment facility. The rerate application is to establish the maximum month hydraulic capacity and maximum month organic loading of the treatment plant. The application was received on March 5, 2001, at the Northcentral Regional Office of DEP in Williamsport.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

No. 0201403—Sewerage—City of McKeesport, 201 Lysle Boulevard, McKeesport, PA 15132. Application for the construction and operation of a sewer extension and pump station to serve Center Street located City of McKeesport, Allegheny County.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

WQM Permit No. 4301409, Sewerage, **John D. Miller**, 76 Blom Road, Grove City, PA 16127.

This proposed facility is located in Pine Township, **Mercer County**.

Description of Proposed Action/Activity: This project is for the construction of a single residence sewage treatment plant.

WQM Permit No. 4301202, Industrial Waste, **John Koller and Sons, Inc. T/A Fairview Swiss Cheese**, 1734 Perry Highway, Fredonia, PA 16124.

This proposed facility is located in Borough of Fredonia, **Mercer County**.

Description of Proposed Action/Activity: This project is construct a second SBR and provide for sludge dewatering.

WQM Permit No. 1001405, Sewerage, **Preston Environmental Center, Camp Bucoco**, 830 Morton Avenue Extension, Butler, PA 16001.

This proposed facility is located in Slippery Rock Township, **Butler County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a small flow treatment facility.

NPDES Stormwater Individual Permit

The following parties have applied for an NPDES permit to discharge stormwater associated with a construction activity into waters of this Commonwealth. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain limitations set forth in the permit conditions. These proposed determinations are tentative. Limitations are provided as erosion and sediment control best management practices (BMPs) which restrict the rate and quantity of sediment discharged.

Where indicated, the EPA Region III Administrator has waived the right to review or object to this proposed permit action under the waiver provision 40 CFR 123.24(d).

Persons wishing to comment on the proposed permit are invited to submit a statement to the appropriate Department Regional Office noted above the application within 30 days from the date of this public notice. Comments reviewed within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and relevant facts upon which it is based. A public hearing may be held after consideration of comments received by the appropriate Department Regional Office during the 30-day public comment period.

Following the 30-day comment period, the appropriate Regional Office Water Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, including the erosion and sediment control plan for the earth disturbance activity, are on file and may be inspected at the office identified in this notice.

Persons with a disability that require an auxiliary aid, service or other accommodation to participate during the 30-day public comment period should contact the specified Regional Office. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800)-654-5984.

Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

NPDES Permit PAS10 J051 Stormwater. Sunoco, Inc., P. O. Box 426, Marcus Hook, PA 19061-0426, has applied to discharge stormwater associated with a construction activity located in Marcus Hook Borough, **Delaware County** to Delaware County Regional Water Quality Control Authority Storm Sewer.

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Lehigh County Conservation District: Lehigh Ag. Ctr., Ste. 102, 4184 Dorney Park Road, Allentown, PA 18104, (610) 391-9583.

<i>NPDES No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS10Q222	Upper Macungie Township Von George 8330 Schantz Rd. Brenigsville, PA 18031	Lehigh County Upper Macungie Township	Little Lehigh Creek HQ-CWF
PAS10Q191	Jaindl Land Co. David Jaindl 3150 Coffeetown Rd. Orefield, PA 18069	Lehigh County Lower Macungie Township	Little Lehigh Creek HQ-CWF

Northampton County Conservation District: Greystone Bldg., Gracedale Complex, Nazareth, PA 18064-9211, (610) 746-1971.

<i>NPDES No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS10U150	Global Property Investors, LLP 580 Shoemaker Rd. Suite 201 King of Prussia, PA 19406	Northampton County Forks Township	Bushkill Creek HQ-CWF
PAS10U151	Charles Chrin 400 S. Greenwood Ave. Easton, PA 18042	Northampton County Bethlehem Township	Bushkill Creek HQ-CWF

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

NPDES Permit PAS10 5508, Stormwater. **Harrison Township**, P. O. Box 92, Harrison Valley, PA has applied to discharge stormwater associated with a construction activity located in Harrison Township, **Potter County** to the Cowanesque River, WWF.

Potter County Conservation District, 107 Market St., Coudersport, PA 16915.

<i>NPDES No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS105508	Harrison Township P. O. Box 92 Harrison Valley, PA 16927	Harrison Township Potter County	Cowanesque River

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

NPDES Permit PAS10L024, Stormwater. **NWL Company**, 1001 Lafayette Drive, Farmington, PA, 15437 has applied to discharge stormwater associated with a construction activity located in Wharton Township, **Fayette County** to Deadman Run/HQ-CWF.

Fayette County Conservation District: 10 Nickman Plaza, Lemont Furnace, PA 15456, (724) 438-4497.

<i>NPDES No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS10L024	NWL Company 1001 Lafayette Drive Farmington, PA 15437	Fayette County Wharton Township	Deadman Run/HQ-CWF

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Lawrence County Conservation District: Lawrence Co Government Center, 430 Court Street, New Castle, PA 16101-3593.

<i>NPDES No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS103712	Pennsylvania Turnpike Commission Attention: Barry Troup 176 Kost Road Carlisle, PA 17103	Lawrence County Little Beaver/North Beaver	Honey Creek/North Form Little Beaver (HQ-CWF)

NOTICE OF INTENT (NOI) FOR COVERAGE UNDER CAFO NPDES GENERAL PERMITS

The following parties have submitted: (1) Notices of Intent (NOIs) for Coverage Under the Department's CAFO (Concentrated Animal Feeding Operation) General NPDES Permit—PAG 12 to develop and operate a facility that may discharge Wastewater into the Surface Waters of this Commonwealth.

The EPA Region III Administrator has not waived the right to review or object to this permit action under the waiver provision 40 CFR 123.24(d).

The notice of intent and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the Regional Office noted. Persons wishing to comment on the proposed permit are invited to submit a statement to the office noted above the application within 30 days from the date of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding this application. The comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant. Following the comment period, the Department's Water Management Program Manager will make a final determination regarding these applications. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The new or renewal notice of intent, including other information submitted with the applications, is available on file. The information may be inspected and arrangements made for copying at the office indicated above the application.

Persons with a disability, who require an auxiliary aid service, including TDD users or other accommodations to seek additional information, should contact the Department through the Pennsylvania AT&T Relay service at (800)-654-5984.

Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

CAFO Notices of Intent Received

PAG120002, Hickory Hollow Farm (J. Raymond Harnish), 4000 Barnsley Chrome Road, Oxford, PA 19363. J. Raymond Harnish has submitted an application for a General NPDES permit for a proposed Concentrated Animal Feeding Operation (CAFO), known as Hickory Farm, located on 4000 Barnsley Chrome Road in East Nottingham Township, **Chester County**. The CAFO is situated near the Northeast Creek, which is classified for warm water fishery (WWF). The CAFO will be designed to maintain an animal population of approximately 600 Animal Equivalent Units (AEUs) consisting of 4,200 hogs. These animals will be housed in two totally confined buildings. Manure will be collected through slatted floors in reinforced concrete manure storage facilities beneath each building. The total capacity of the manure storage facilities will be 1.5 million gallons, including 2 feet of freeboard. Prior to operation of the manure storage facilities, the design engineer will be required to submit certification that the facilities were properly constructed. Manure will be pumped from the facilities and sprayed

onto fields leased by Hickory Farm in accordance with the approved Nutrient Management Plan. Excess manure will be managed through an agreement with a manure broker.

A release or discharge to waters of this Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary reviews of the application of lawful standards and regulations, including the Final CAFO Strategy, the Department has made a tentative determination to issue a General NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the draft permit.

The permit application and proposed draft permit are on file at the Southeast Regional Office of the Department. Persons may make an appointment to review the files by calling Records Management at (610) 832-6270.

The Environmental Protection Agency permit review waiver provision under 40 CFR 123.24(e) applies to this General NPDES permit.

Persons wishing to comment on the proposed permit are invited to submit written comments to the above address within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in formulating the Department's final determination regarding the application. All comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the basis of the comment and the relevant facts upon which it is based. A public meeting/hearing may be held if the Department considers the public response or interest significant.

Following the 30-day comment period, the Water Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time the determination may be appealed to the Environmental Hearing Board.

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

Southeast Region: Water Supply Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

Permit No. 0901508, Public Water Supply.

Applicant	St. John Baptist School
Township	Nockamixon
Responsible Official	Rev. Joseph Tobian 4040 Durham Road Ottsville, PA 18942
Type of Facility	Public Water Supply System
Application Received Date	March 26, 2001
Description of Action	Installation of a granular activated carbon treatment system along with replacement of a pressure tank and a retention tank.

Central Office: Bureau Director, Water Supply and Wastewater Management, P. O. Box 8467, Harrisburg, PA 17105-8467.

Permit No. 9996402, Public Water Supply.

Applicant **Great Spring Waters of America, Inc.**
 Township Framingham, MA
 Responsible Official Kent Kise,
 105 Pennsylvania Avenue,
 Framingham, MA 01701
 Type of Facility Out of State Bottled Water System.
 Application Received Date March 28, 2001
 Description of Action Applicant requests Department approval to replace its Ozone disinfection process with an Ultraviolet Light disinfection process. The following bottled water products will be marketed in Pennsylvania: Poland Spring Natural Spring Water and Great Beer Natural Spring Water.

Permit No. 9996217, Public Water Supply.

Applicant **Great Spring Waters of America, Inc.**
 Township Poland Spring, Maine
 Responsible Official Kristin Tardiff,
 Eastern Region Water Resources Manager,
 P. O. Box 499,
 Poland Spring, Maine 04274.
 Type of Facility Out of State Bottled Water System.
 Application Received Date March 28, 2001
 Description of Action Applicant requests Department approval to replace its Ozone disinfection process with an Ultraviolet Light disinfection process. The following bottled water products will be marketed in Pennsylvania: Poland Spring Natural Spring Water, Poland Spring Sparkling Spring Water, Deer Park Spring Water, Ice Mountain Spring Water and Deer Park Distilled Water.

Permit No. 9996491, Public Water Supply.

Applicant **Great Spring Waters of America, Inc.**
 Township Hollis, ME
 Responsible Official Tamara Risser,
 Quality Control Manager,
 400 Killick Pond Road,
 Hollis, ME 04042.
 Type of Facility Out of State Bottled Water System.

Application Received Date

March 28, 2001

Description of Action

Applicant requests Department approval to replace its Ozone disinfection process with an Ultraviolet Light disinfection process. The following bottled water products will be marketed in Pennsylvania: Poland Spring Natural Spring Water and Ice Mountain Spring Water.

Permit No. 9996499, Public Water Supply.

Applicant **Westover Dairy**
 Township Lynchburg, VA
 Responsible Official Mark Deis, Quality Control Manager,
 2801 Fort Avenue,
 P. O. Box 11558,
 Lynchburg, VA 24506
 Type of Facility Out of State Bottled Water System.
 Application Received Date March 30, 2001
 Description of Action

Applicant requests Department approval to sell bottled water in Pennsylvania under the brand name Turkey Hill Spring Water.

MINOR AMENDMENT

Applications Received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

Northeast Region: Water Supply Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Minor Amendment, Public Water Supply.

Applicant **Borough of Alburtis**
 Township or Borough Alburtis Borough
 Responsible Official Russell C. Kressley
 Water System Operator
 Borough Hall
 260 Franklin Street
 Alburtis, PA 18011
 (610) 966-9661
 Type of Facility Community Water System
 Consulting Engineer James F. McLear, Jr.
 Project Manager
 R.E. Coleman Associates, Inc.
 604 Brandywine Parkway
 West Chester, PA 19380-4287
 (610) 738-7898
 Application Received Date February 23, 2001
 Description of Action Removal of chemical feed equipment for iron treatment at the Well No. 4 chlorination building.

WATER ALLOCATIONS

Applications received under the Act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of this Commonwealth.

Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

WA32-782D, Water Allocation. **Indiana County Municipal Service Authority**, 827 Water Street, Indiana, PA 15701. **Indiana County**. Extension of the Indiana County Municipal Services Authority's Shelocta water system to service the proposed Dominion Energy facility to be located in South Bend Township, Armstrong County.

Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

WA 25-726, Water Allocation. **Millcreek Township Water Authority**, 3608 West 26th Street, Erie, PA 16506. Millcreek Township, **Erie County**. Modification of existing permit to construct a new take point facility along Sterrettania Road. The new take point will provide hydraulic relief for the sole western district take point known as the Asbury Road take point. The new take point connection will be to the Erie City Water Authority system and will be known as the Sterrettania Road/Greeley Avenue Take Point and Waterline Extension Project. Project does not involve any change in allocation amount.

Biosolids Individual Permits (PABIG and PABIS)

The following parties have applied for either an Individual Site Permit (PABIS) or an Individual Generator Permit (PABIG) for beneficial use of sewage sludge (biosolids) by land application. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (DEP) proposes to issue a permit to land apply biosolids subject to certain requirements set forth in the permit.

Persons wishing to comment on the proposed permit are invited to submit a statement to the responsible DEP Regional Office noted above the application within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in the formulation of the final determination regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement of a comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

Following the 30-day comment period, the Water Management Regional Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, comments received and other information are on file and may be inspected and arrangements made for copying at the responsible DEP Regional Office indicated above the application.

Persons with a disability that require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800)-654-5984.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

PABIS 4821. Circle H Ranch, Pike Township, **Potter County**. Leslie's Septic Service, P O Box 211, Yahn Road, Galeton, PA 16922-0211 has applied to beneficially use their biosolids on the Circle H Ranch Farm in Pike Township, **Potter County**.

Special Conditions

1. Management Practice—In addition to applicable conditions of the Farm Conservation Plan, and unharvested grass/hay buffer strip, a minimum of 15 feet in width, shall be maintained along the downslope perimeter of each field closest to Pine Creek. This buffer strip shall not be utilized for the application of treated septage.

2. Monitoring—The effectiveness of the grass/hay buffer strip shall be visually monitored monthly and after/during major precipitation events for evidence of runoff beyond the unharvested grass/hay buffer strip.

Recordkeeping

1. Record of the date, time weather conditions and observations shall be maintained and made available to the Department and the Potter County Conservation District during site inspections.

Reporting

1. Any evidence of treated septage runoff beyond the grass/hay buffer strip shall be reported to the Department immediately by telephone and within 48 hours in writing.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION UNDER ACT 2, 1995

PREAMBLE 1

Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, Statewide Health Standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. A person who demonstrates attainment of one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the Act, will

be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under Sections 304(n)(1)(ii) and 305(c)(2) of the Act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified below, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified below. During this comment period the municipality may request that the person identified below, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, please contact the Environmental Cleanup Program Manager in the Department's Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department of Environmental Protection has received the following Notices of Intent to Remediate:

Southeast Region: Environmental Cleanup Program Manager; Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

Rybas Property, Bensalem Township, **Bucks County**. Darryl Schmitt, Brinkerhoff Environmental Services, Inc., 133 Jackson Rd., Suite D, Medford, NJ 08055, on behalf of John, Jr., Mary C., Walter G., David J., Barbara J. and Joan C. Rybas, 888 Frankford Ave., Philadelphia, PA, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with lead. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Bucks County Courier Times* in March 2001.

Lee's Service Center, Upper Darby Township, **Delaware County**. Samuel J. Kucia, Environmental Consulting, Inc., 500 East Washington St., Suite 375, Norristown, PA 19401, on behalf of Wellington and Dennis Lee, 700 Burmont Rd., Drexel Hill, PA, has submitted a Notice of Intent to Remediate site soil contaminated with lead, BTEX and petroleum hydrocarbons. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Delaware County Daily Times* on March 20, 2001.

API Harowe, a Division of American Precision Industries, Inc., West Goshen Township, **Chester County**. C. Peter Barringer, Environmental Resources Management, 855 Springdale Drive, Exton, PA 19341, on behalf of High V Limited Partnership, 1835 William Penn

Way, Lancaster, PA 17605, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with solvents and BTEX. The applicant proposes to remediate the site to meet Statewide Health and Site-specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Daily Local News* on March 19, 2001.

Madiro Property, Downingtown Borough, **Chester County**. Susan Ahern, Evans Mill Environmental, Inc., 101 Fellowship Road, P. O. Box 735, Uwchland, PA 19480, on behalf of Anthony J. Jr. and Teresa W. Madiro, 21 E. Lancaster Ave., Downingtown, PA, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with lead, BTEX and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Daily Local News* on May 10, 2000.

Northcentral Region: Environmental Cleanup Program Manager; 208 West Third Street, Williamsport, PA 17701.

Matthews Motors—Covington Site, Covington Township, **Tioga County**. Brooks Petroleum Contracting Company, RR 7, Box 141, Wellsboro, PA 16901, on behalf of Putnam Company, 5 East Avenue, Wellsboro, PA 16901, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with BTEX. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Wellsboro Gazette*, on January 10, 2001. (See additional notice in another part of this *Pennsylvania Bulletin*).

Southwest Region: Environmental Cleanup Program Manager; 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Colinet Residence, Lucerne Township, **Fayette County**. James P. Gallagher, Marshall Miller and Associates, 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011 (on behalf of Sam and Madelyn Colinet, 192 Oakhill Drive, Adah, PA 15410) has submitted a Notice of Intent to Remediate soil contaminated with BTEX and PAHs. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Uniontown Herald Standard* on December 17, 2000.

INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

Applications received or withdrawn under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations to transport infectious and chemotherapeutic waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 8471, Harrisburg, PA 17105-8471.

Renewal Applications Received

Bio-Haz Solutions, P. O. Box 152, 805 Blakeslee Boulevard E., Lehigh, PA 18235. **License No. 0191.** Received on April 2, 2001.

DETERMINATION FOR APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Application for Determination of Applicability Received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.

General Permit Application No. WMGR035D001. Petroleum Recycling Corp., 597 Glen Meadow Road, Richboro, PA 18954. Description: the processing of tank clean-out sludges, separator clean-out sludges, oil spill clean-up residue, waste oil and waste oil/water emulsions, by chemical and physical means and thermal separation to produce an "on specification" waste oil fuel. This notice supersedes the notice published on April 7, 2001, which incorrectly stated that there would be a 60 day comment period for this application. The application for determination of applicability was received by the Division of Municipal and Residual Waste on March 21, 2001.

Persons interested in obtaining more information about the general permit application may contact the Division of Municipal and Residual Waste, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Applications Received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.

Southeast Region: Regional Solid Waste Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

Permit Application No. 101494. Waste Management of Pennsylvania, Inc., 1121 Bordentown Road, Morrisville, PA, Borough of Tullytown and Falls Township, **Bucks County.** Application submitted for the Western Expansion of the Tullytown Resource Recovery Facility Landfill. An LMIP meeting was held on March 16, 2001, and an alternate project timeline of 320 days for the review of the Phase I and II components of the expansion application was negotiated. The application was received by the Southeast Regional Office on March 30, 2001.

AIR QUALITY

NOTICE OF PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

The Department of Environmental Protection (DEP) has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for DEP, the regulated community and the public. This approach allows the owner or

operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

Notice is hereby given that DEP has received applications for plan approvals and/or operating permits from the following facilities.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the Regional Office identified in this notice. Persons interested in reviewing the application files should contact the appropriate Regional Office to schedule an appointment.

Persons wishing to receive a copy of the proposed Plan Approval or Operating Permit must indicate their interest to the DEP Regional Office within 30 days of the date of this notice, and must file protests or comments on a Proposed Plan Approval or Operating Permit within 30 days of the DEP providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Any comments or protests filed with DEP Regional Offices must include a concise statement of the objections to the issuance of the plan approval or operating permit and relevant facts, which serve as the basis for the objections. If DEP schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior to the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the Regional Office identified below. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act and regulations adopted under the Act.

Applications Received and Intent to Issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F (relating to operating permit requirements).

Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, Thomas McGinley, New Source Review Chief, (610) 832-6242.

46-0141: Synfin Industries, Div of TSG, Inc. (1400 Welsh Road, North Wales, PA 19454) on March 12, 2001, for approval of facility VOC/NOx RACT in Montgomery Township, **Montgomery County.**

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Michael Safko, Acting New Source Review Chief, (570) 826-2531.

39-313-037B: Fluoro-Seal, Inc. (16360 Park Ten Place, Suite 325, Houston, TX 77084) for operation of a

batch reactor operation and associated air cleaning device at the facility along 744 Roble Road in Hanover Township, **Lehigh County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.

01-03010: Dal-Tile Corp. (211 North 4th Street, Gettysburg, PA 17325) for a Natural Minor Operating Permit for the ceramic tile manufacturing facility in the Borough of Gettysburg, **Adams County**.

01-03011: Dal-Tile Corp. (211 North 4th Street, Gettysburg, PA 17325) for a Natural Minor Operating Permit for the ceramic tile manufacturing facility in the Borough of Bendersville, **Adams County**.

01-03016: Dal-Tile Corp. (211 North 4th Street, Gettysburg, PA 17325) for a Natural Minor Operating Permit for the ceramic tile manufacturing facility in Straban Township, **Adams County**.

01-03021: Agway, Inc. dba Andgrow Fertilizer (3150 Stoney Point Road, East Berlin, PA 17316) for a Natural Minor Operating Permit for the fertilizer mixing plant in Latimore Township, **Adams County**.

36-03016: Wyeth Laboratories, Inc. (PO Box 304, Marietta, PA 17547) for a Natural Minor Operating Permit for the pharmaceutical manufacturing facility in East Donegal Township, **Lancaster County**.

36-03123: Greenwood Cemetery and Crematorium (719 Highland Avenue, Lancaster, PA 17603) for a Natural Minor Operating Permit for the crematorium in Lancaster City, **Lancaster County**.

38-05027: Lebanon Materials Division of Reading Materials, Inc. (PO Box 1467, Skippack, PA 19474) for a Synthetic Minor for a batch asphalt plant in North Annville Township, **Lebanon County**.

67-03006: Osram Sylvania Products, Inc. (1128 Roosevelt Avenue, York PA 17404) for a Natural Minor Operating Permit for the lamp manufacturing facility in West Manchester Township, **York County**.

67-03043: Envirite of PA, Inc. (1600 Pennsylvania Avenue, York, PA 17404) for a Natural Minor Operating Permit for the refuse systems facility in York City, **York County**.

67-03049: Garrod Hydraulics (3466 Board Road, York, PA 17402) for a Natural Minor Operating Permit for the hydraulic cylinder and actuator manufacturing facility in Manchester Township, **York County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Devendra Verma, New Source Review Chief, (814) 332-6940.

37-00277: SLI Lighting Co. (One Early Street, Ellwood City, PA 16112) for a Synthetic Minor Permit to operate a residential lighting fixtures manufacturing facility in Ellwood City Borough, **Lawrence County**.

43-00039: Campbell's Asphalt Products, Inc. (73 Glacial Till Road, Grove City, PA 16161) for a Synthetic Minor Operating Permit for operation of the facility's air contamination sources consisting of a 100-tph-asphalt batch plant in Liberty Township, **Mercer County**.

OPERATING PERMITS

PUBLIC HEARINGS

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, William Charlton, New Source Review Chief, (412) 442-4174.

Notice is hereby given under 25 Pa. Code § 127.521, that the Department of Environmental Protection (DEP) intends to issue **Title V Operating Permit No. 56-00166 to PBS Coals, Inc.** located in Shade Township, **Somerset County**. In accordance with 25 Pa. Code § 127.428, DEP will hold a public hearing on May 14, 2001, at 7 p.m. in the Shade High School in Cairnbrook, PA 15294. The hearing is to accept testimony concerning the proposed Title V Operating Permit. The PBS Coals, Inc. representative to contact regarding this application is Raymond W. McGraw, Vice-President Processing, PBS Coals, Inc., PO Box 260, Friedens, PA 15541.

PBS operates a thermal dryer at this facility, which is used in the drying and processing of coal. As a result of the levels of oxides of nitrogen, carbon monoxide and particulates emitted this facility is a major stationary source as defined in Title I, Part D of the Clean Air Amendments. The facility is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code, Chapter 127, Subchapter G.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Devendra Verma, New Source Review Chief, (814) 332-6940.

Notice is hereby given that the Department of Environmental Protection (Department) will conduct a public hearing on April 18, 2001, beginning at 1 p.m. in the Air Quality Conference Room of the DEP Regional Office Building located at 230 Chestnut Street, Meadville, PA 16335-3407.

The hearing is for the Department to accept testimony concerning the Department's decision to approve, with conditions, Reasonably Available Control Technology (RACT) plan by **GE Transportation Systems**, 1503 West Main Street Ext., Grove City, PA to meet the requirements under 25 Pa. Code §§ 129.91—129.95 (RACT), concerning the emissions of oxides of nitrogen (NOx) and volatile organic compounds (VOC) from various air contamination sources. The final RACT proposal will be submitted to the United States Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan. This facility is located in **Mercer County**.

The proposed SIP revisions do not adopt any new regulations. They incorporate the provisions and requirements contained in the RACT approval for the facility to comply with current regulations.

The preliminary RACT determination, if finally approved, will be incorporated into Plan Approvals and/or Operating Permits including the Title V Operating Permit for the facility and will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan.

The following is a summary of the preliminary RACT determination for GE Transportation Systems, Grove City:

<i>Source</i>	<i>Control</i>
Diesel Engine Test Cells	Fuel restriction, NO _x emission limitation. Operated and maintained in accordance with the manufacturers' specifications. Operated and maintained in accordance with good air pollution control practices.
Diesel Fire Pump	Deminimis: 1.4 tons NO _x /yr
400 Hp Boiler	Operated and maintained as per 25 Pa. Code § 129.93(b)(2)—(5). Operated and maintained in accordance with good air pollution control practices.
800 Hp Boiler	Operated and maintained in accordance with the manufacturer's specifications as per 25 Pa. Code § 129.93 (c)(5). Operated and maintained in accordance with good air pollution control practices.
Engine Cleaning Operations	Deminimis: 1.0 ton VOC/yr
2 Natural Gas Emergency Generators	Operated and maintained in accordance with the manufacturer's specifications as per 25 Pa. Code § 129.93(c)(5)
Combustion Source <20 MMBTU/hr	Operated and maintained in accordance with the manufacturer's specifications. Presumptive RACT emission limitation defined in 25 Pa. Code § 129.93(c)(1).

Also, the hearing is for the Department to accept testimony concerning the Department's decision to modify the facility's Title V permit (TV 43-00196) originally issued on July 12, 1999. The modification includes the following significant changes:

<i>Section</i>	<i>Source</i>	<i>Old Condition</i>	<i>New Condition</i>	<i>Citation</i>	<i>Changes made</i>
C		009	009	127.511	Made minor language changes to the daily monitoring requirement to clarify the condition. The frequency of monitoring remained daily.
C			018	127.441	Added applicability requirement of 40 CFR 82 Subpart F to the permit.
D	037	008	008	127.441	Added language to clarify when the tune-up was required to be performed (if operated more than 500 hours/yr).
D	039	003	003	127.511	Modified condition to allow the burning of propane or LPG as back-up fuel.
D	106 & 107	002	002	129.52	Revised condition to the newly promulgated requirement.
D	106 & 107	003		127.511	Streamlined condition out of permit due to the new § 129.52 requirements.
D	106 & 107	007(a)	005(a)	127.511	Added language to clarify when the maintenance inspections were to be performed (during weeks when source has been operated).
D	108	002(b)	002(b)	127.12b	Converted old limit into units consistent with the new § 129.52 requirements.
D	108	003	003	129.52	Revised condition to the newly promulgated requirement.
D	108	004		127.511	Streamlined condition out of permit due to the new § 129.52 requirements.
D	108	008(a)	006(a)	127.511	Added language to clarify when the maintenance inspections were to be performed (during weeks when source has been operated).
H	132				Paragraph (d) was clarified to show source 132 consists of only the 5 test cells and not the turbocharger tester as originally permitted.
H					Paragraph (e) has been updated from original permit.
H					Paragraph (h) has been added to the permit listing regulations determined to be non-applicable to the facility.

The modification to the original Title V permit also included other non-substantial changes not listed above.

Philadelphia Department of Public Health, Air Management Services: 321 University Ave., Philadelphia, PA 19104, Roger Fey, (215) 823-7584.

Notice is hereby given that the City of Philadelphia, Department of Public Health, Air Management Services, will conduct a public hearing on Friday, May 11, 2001, in the Auditorium of the Medical Examiners Office, Spelman Building, 321 University Avenue, beginning promptly at 6 p.m. and continuing to 8 p.m. or the conclusion of testimony. The hearing is being held to receive comments from the public on the proposed approval, by the Department, of Reasonably Available Control Technology (RACT) plans and permit amendments, related to emissions of nitrogen oxides (NOx) and volatile organic compounds (VOCs), submitted by the facilities listed below:

Exelon Generation Co. (formerly PECO Energy Company)—Delaware Station (1325 North Beach Street, Philadelphia, PA 19125) and **Schuylkill Station** (2800 Christian Street, Philadelphia, PA 19146). Exelon Generation Co. has submitted a request to modify the monitoring requirements of its current RACT for operation of NOx generating combustion equipment. The facility proposes to use parametric emissions monitoring systems (PEMS) in accordance with 40 CFR Part 75, Appendix E in place of its existing continuous emissions monitoring systems (CEMS).

Exelon Generation Co. (formerly PECO Energy Company)—Richmond Station (3901 North Delaware Avenue, Philadelphia, PA 19137). Richmond Station's original RACT is being modified to meet a new 12-month rolling capacity limitation of 15%.

The RACT proposals have been submitted under requirements of Title 25 Pa. Code, Chapter 129, Stationary Sources of NOx and VOCs (§§ 129.91—129.95). Final RACT plan and permit approval actions will be submitted to the Department of Environmental Protection and the United States Environmental Protection Agency as formal revisions to the Philadelphia portion of the Pennsylvania State Implementation Plan for Air Quality.

PLAN APPROVALS

Applications Received for Plan Approvals under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B (relating to plan approval requirements).

Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, Thomas McGinley, New Source Review Chief, (610) 832-6242.

46-0142A: Fluid Energy Processing and Equipment Co. (4th and State Streets, East Greenville, PA 18041) for installation of a 6" jet-o-drier chemical drying system in East Greenville Borough, **Montgomery County**.

23-312-216: Baker Petrolite Corp. (4th and Saville, Eddystone, PA 19022) for construction of a storage tank in Eddystone Borough, **Delaware County**.

15-0058A: Martin Limestone, Inc. (199 Quarry Road, Honey Brook, PA 19344) for installation of a primary crusher in West Brandywine Township, **Chester County**.

23-0001S: Sunoco, Inc. (R&M) (Delaware Avenue and Green Streets, Marcus Hook, PA 19061) for modification of a boiler and heater in Marcus Hook Borough, **Delaware County**.

23-0041A: Tosco Refining, L.P. (4101 Post Road, Trainer, PA 19061) for installation of low NOx burners in Trainer Borough, **Delaware County**.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Michael Safko, Acting New Source Review Chief, (570) 826-2531.

39-318-108: SKW-MBT Management, Inc. (Division of Master Builders, Inc., 421 Shantz Road, Allentown, PA 18104) for construction of a paint spray booth and associated air cleaning device in Lower Macungie Township, **Lehigh County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.

01-05021A: Knouse Foods Cooperative, Inc. (PO Box 709, Biglerville, PA 17307) for installation of two natural gas/#5 reclaimed oil boilers (that is, 700 HP and 600 HP, respectively) at their Peach Glen Plant in Tyrone Township, **Adams County**. The sources are subject to 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.

01-05022A: Knouse Foods Cooperative, Inc. (PO Box 709, Biglerville, PA 17307) for installation of a 250 HP natural gas/#5 reclaimed oil boiler at their Orrtanna Plant in Hamiltonban Township, **Adams County**. The source is subject to 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.

06-03040A: Quality Investment Castings, Inc. (PO Box 100, Reading, PA 19510-0100) for construction of a wax burn out oven controlled by a thermal oxidizer in Maiden Creek Township, **Berks County**.

06-05090A: Chiyoda America, Inc. (PO Box 470, Morgantown, PA 19543-0470) for modification of a decorative laminate surface coating operation controlled by two thermal oxidizers in Caernarvon Township, **Berks County**. The source is subject to 40 CFR Part 63, Subpart KK—National Emission Standards for the Printing and Publishing Industry.

07-05032A: New Enterprise Stone & Lime Co., Inc. (PO Box 77, New Enterprise, PA 16664) to modify the operation of the existing natural gas fired hot mix asphalt plant to operate the plant on No. 2/recycled oil, at the Roaring Spring Quarry in Taylor Township, **Blair County**. This source is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities.

21-03053: Parthemore Funeral Home and Cremation Services, Inc. (1303 Bridge Street, New Cumberland, PA 17070) for construction of a cremation unit in New Cumberland Borough, **Cumberland County**.

21-05029A: Atlantic Refining and Marketing Corp. (1801 Market Street, Philadelphia, PA 19103) for installation of a vapor combustion unit at the Mechanicsburg Terminal in Hampden Township, **Cumberland County**.

36-05004B: M&M/Mars, Inc. (295 Brown Street, Elizabethtown, PA 17022) for an increase in operating hours for a diesel generator at their facility in Elizabethtown Borough, **Lancaster County**.

67-05067A: Persing Enterprises, Inc. (214 North Franklin Street, Red Lion, PA 17356) for modification of an existing spray coating booth and the installation of an additional spray booth at the furniture manufacturing facility in Red Lion Borough, **York County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, William Charlton, New Source Review Chief, (412) 442-4174.

04-00709A: Empire Terminal, Inc. (Suite 110, 731-733 Washington Road, Pittsburgh, PA 15228) for operation of barge unloading at Monaca Plant in Monaca Borough, **Beaver County**.

04-00497A: Tuscarora, Inc. (800 Fifth Avenue, New Brighton, PA 15066) for operation of foam products manufacturer at Blockhouse Run Road Facility in New Brighton Borough, **Beaver County**.

04-00710A: Cronimet Corp. (471 Railroad Street, E. Rochester, PA 15074) for installation of a dust collector at East Rochester in East Rochester Borough, **Beaver County**.

56-00166: PBS Coals, Inc. (PO Box 260, Friedens, PA 15541) for operation of Thermal Dryer Production Increase at Shade Creek Plant in Shade Township, **Somerset County**.

Intent to Issue Plan Approvals under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B (relating to plan approval requirements).

Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, Thomas McGinley, New Source Review Chief, (610) 832-6242.

Notice of Intent to Issue a Plan Approval and Amend a Title V Operating Permit

46-00013: Clemens Family Corp. (2700 Funks Road, Hatfield, PA 19440) in Hatfield Township, **Montgomery County**. Amended to include the requirements of Plan Approval 46-0013 for modification of an inedible rendering process. This modification will result in an emission increase of 0.56 ton of particulate matter per 12-month rolling sum. The facility shall be required to exhaust emissions from the inedible rendering process to either a packed tower scrubber or both a venturi scrubber and packed tower scrubber, as outlined in the amended Title V Operating Permit. The Operating Permit will contain recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

46-00036: Visteon Systems LLC (2750 Morris Road, Lansdale, PA 19446) in Worcester Township, **Montgomery County**. Amended to include the requirements of Plan Approval 46-0036 for installation of Selective Soldering Machine No. 6. This source will result in an emission increase of 01.00035 tons of Lead (particulate matter) and 2.37 tons of Volatile Organic Compounds (VOCs) per 12-month rolling sum. The Selective Soldering Machine No. 6 shall only be used for soldering electronic circuit boards. The Operating Permit will contain recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Michael Safko, Acting New Source Review Chief, (570) 826-2531.

39-309-055: Lafarge Corp. (5160 Main Street, Whitehall, PA 18052) for installation and operation of an OSEPA high efficiency separator for the No. 1 finish mill at their plant in Whitehall Township, **Lehigh County**. The facility currently has a Title V Permit No. 39-00011. The plan approval includes terms and conditions to assure the proper operation of the source with satisfying the State and Federal requirements. It includes at minimum the conditions related to source description, emissions limits for pollutants, monitoring, recordkeeping and reporting, temporary operations to facilitate shutdown

and temporary operation period. The particulate emissions from the separator will be controlled by a fabric collector and shall not exceed 7.8 pounds per hour (34.2 tons per year) based on the Best Available Technology (BAT) allowable particulate emission standard of 0.02 grain/DSCFT. Although the sources covered by this plan approval may be located at a major facility, the installations/modifications do not trigger major new source review or prevention of significant deterioration requirements. This plan approval will be incorporated into the Title V operating permit through an administrative amendment at a later date, and the action will be published as a notice in the *Pennsylvania Bulletin*.

MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District Mining Office indicated above each application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for such certification.

Written comments, objections or requests for informal conferences on applications, may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Where any of the mining activities listed below will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. Such NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the above, more restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the above-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

Written comments or objections should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

Coal Applications Received

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

49871601R2. Calvin V. Lenig Coal Prep & Sales, Inc. (R. R. 1 Box 330, Shamokin, PA 17872-9702), renewal of an existing anthracite coal preparation plant operation in Little Mahanoy Township, **Northumberland County** affecting 3.2 acres, receiving stream—none. Application received March 27, 2001.

49910202R2. Split Vein Coal Company, Inc. (R. R. 1 Drawer 2, Paxinos, PA 17860-9637), renewal of an existing coal refuse reprocessing operation in Coal Township, **Northumberland County** affecting 191.0 acres, receiving stream—none. Application received March 28, 2001.

49851603R3. Split Vein Coal Company, Inc. (R. R. 1 Drawer 2, Paxinos, PA 17860-9637), renewal of an existing coal preparation plant operation in Ralpho Township, **Northumberland County** affecting 21.6 acres, receiving stream—none. Application received March 28, 2001.

54900205R2. Wheelabrator Culm Services, Inc. (Liberty Lane, Hampton, PA 03842), renewal and correction of an existing coal refuse reprocessing operation in Mahanoy Township, **Schuylkill County** affecting 580.0 acres, receiving stream—none. Application received March 29, 2001.

54851340R3. Neumeister Coal Company (28 Frank Lane, Ashland, PA 17921), renewal of an existing anthracite deep mine operation in Foster Township, **Schuylkill County** affecting 5.0 acres, receiving stream—none. Application received March 30, 2001.

Hawk Run District Mining Office: Empire Road, PO Box 209, Hawk Run, PA 16840-0209.

17960104. Sky Haven Coal, Inc. (R. D. 1, Box 180, Penfield, PA 15849), renewal of an existing bituminous surface mine-auger permit in Beccaria Township, **Clearfield County** affecting 79 acres. Receiving stream—Cofinan Run to Clearfield Creek to West Branch of the Susquehanna River. Application received March 6, 2001.

17950111. Sky Haven Coal, Inc. (R.D. 1, Box 180, Penfield, PA 15849, renewal of an existing bituminous surface mine-auger permit in Bigler Township, **Clearfield County** affecting 188 acres. Receiving stream—Maplepole Run to the West Branch of the Susquehanna River. Application received March 6, 2001.

17930129. Laurel Energy, L.P. (One Energy Place, Suite 7500, Latrobe, PA 15650) transfer of an existing bituminous surface mine permit from Penn Grampian Coal Company located in Jordan Township, **Clearfield County** affecting 436.4 acres. Receiving stream—unnamed tributaries of Gazzam Run and Potts Run and unnamed tributaries of McNeel Run. Application received March 13, 2001.

Greensburg District Mining Office: Armbrust Building, RR 2 Box 603-C, Greensburg, PA 15601-0982.

EGS26002. Mountain Watershed Association (P. O. Box 408, Melcroft, PA 15462). Received an Environmental Good Samaritan application for the purpose of passive treatment of the abandoned mine discharge (AMD) from the Gallentine Mine Drainage Remediation site located in Springhill Township, **Fayette County** affecting 10 acres. Receiving stream: Indian Creek Watershed. Environmental Good Samaritan application received: March 23, 2001.

02860201. Minerals Technology, Inc. (100 High Tower Blvd., Suite 301, Pittsburgh, PA 15205.) Renewal application received for continued operation of a coal refuse reprocessing mine located in Harmar Township, **Allegheny County** affecting 156.6 acres. Receiving stream: Guys Run to Allegheny River. Renewal application received: March 29, 2001.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931.

32850114. Permit Renewal, Beilchick Brothers (P. O. Box 7, Heilwood, PA 15745), for continued operation of a bituminous surface mine in Pine Township, **Indiana County**, affecting 147.5 acres, receiving stream unnamed tributaries of Little Yellow Creek. Application received March 26, 2001.

Knox District Mining Office: White Memorial Building, PO Box 669, Knox, PA 16232-0669.

24840103. Fairview Coal Company (P. O. Box R, Ridgway, PA 15853). Renewal of an existing bituminous surface strip and auger operation in Fox and Horton Townships, **Elk County** affecting 407.0 acres. Receiving streams: Unnamed tributary to Toby Creek and Curry Run. Application received March 27, 2001.

Noncoal Applications Received

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

28830302T. D. L. George & Sons Construction Company (13321 Midvale Road, Waynesboro, PA 17268), transfer of an existing quarry operation from Charles W. Kershner, Jr. & Sons and renewal of NPDES Permit #PA0613371 in Antrim Township, **Franklin County** affecting 9.0 acres, receiving stream—Paddy Run to Conococheague Creek. Application received March 23, 2001.

Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669.

37960303. B & P Slag Corp. (133 East Wallace Avenue, New Castle, PA 16101) Transfer of an existing topsoil and sand and gravel operation in Union Township, **Lawrence County** affecting 146.0 acres. Receiving streams: Mahoning River. Transfer from Grant R. Wright, Inc. Application received March 28, 2001.

FEDERAL WATER POLLUTION CONTROL ACT

SECTION 401

The following permit applications and requests for Environmental Assessment approval and requests for Water Quality Certification have been received by the Department of Environmental Protection. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)), requires the State to certify that the involved projects will not violate the applicable provisions of Sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Initial requests for 401

Water Quality Certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under Section 401 or to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit, or the approval of an Environmental Assessment must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted above the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed, and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between the hours of 8 a.m. and 4 p.m. on each working day at the office noted above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and Section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. §§ 1341(a)).

WATER OBSTRUCTIONS & ENCROACHMENTS

Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

E23-410. Westlake Plastics Company, P. O. Box 127, Lenni, PA 19052, Chester Heights Borough, **Delaware County**, ACOE Philadelphia District.

To place and maintain fill in 0.04 acre of wetlands adjacent to an unnamed tributary of Chester Creek (WWF-MF). The work within the floodway of an unnamed tributary of Chester Creek meets the permit waiver provision of § 105.12(a)(2) of the Department's Chapter 105 Rules and Regulations. The purpose of these activities is to expand Westlake Plastics Company's facility located approximately 200 feet northwest of the intersection of Lenni Road and New Road (Media, PA Quadrangle N: 3.4 inches; W: 10.9 inches).

E46-885. The Elliott Building Corporation LTD, 406 Glen Eagles Drive, New Hope, PA 18938, Limerick Township, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain a road crossing consisting of 182 linear feet of twin cell galvanized steel plate arches with a skew angle of 64 degrees and to install and maintain 140 feet of streambank stabilization in and along Landis Creek (TSF). The project also proposes various utility line crossings to be constructed within the roadbed, which qualify for General Permit No. 5 (Utility Line Stream Crossings). This project is associated with

the construction of the Estates at Landis Brooke Subdivision located approximately 2,000 feet east of the intersection of Sunset Road and Ridge Pike (Phoenixville, PA Quadrangle N: 17.85 inches; W: 1.25 inches).

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

E40-567. Thomas S. Czerniakowski, R.R. 3, Box 121, Harveys Lake, PA 18618-9789, Harveys Lake Borough, PA 18618 in Harveys Lake Borough, **Luzerne County**, ACOE Baltimore District.

To modify and maintain an existing pile-supported dock in Harveys Lake, increasing the dock area from approximately 650 square feet to approximately 1,910 square feet. The structure, as modified, has overall deminsions of approximately 51 feet (lakeward) by 45 feet. The project is located at Pole 257 along Lakeside Drive, Harveys Lake, PA, Quadrangle N: 19.4 inches; W: 5.35 inches.

E39-381. Jaindl Land Company, 3150 Coffeetown Road, Orefield, PA 18069, Lower Macungie Township, **Lehigh County**, ACOE Philadelphia District.

To construct and maintain the following structures/activities in, along and across Swabia Creek (HQ-CWF) and tributaries there to; 3 concrete box culverts, 1 stream enclosure, 15 utility line crossings, 8 stormwater outfall structures, fill in the floodway, and to relocate approximately 650 feet of stream channel. The project is a residential subdivision consisting of 700 homes and is located on a 272 acre tract of land on the south side of Conrail Railroad adjacent to T-480, T-482, T-484 and Lockridge Park and Furnace Museum, Allentown West, PA, Quadrangle N: 2.0 inches; W: 11.0 inches.

E52-171. Woodloch Pines, R. R. 1, Box 280, Hawley, PA 18428 in Lackawaxen Township, **Pike County**, ACOE Philadelphia District.

To rehabilitate the channel of Teedyuskung Creek (HQ-CWF), using log and stone deflectors, log and tree revetments and willow posts, for the purpose of addressing streambank erosion along a 2,000-foot reach of stream channel. The project is located approximately 4,000 feet upstream of the creek's confluence with the Lackawaxen River, Rowlan, PA, Quadrangle N: 20.6 inches; W: 14.6 inches.

E40-569. City of Nanticoke, 15 East Ridge Street, Nanticoke, PA 18634 in City of Nanticoke, **Luzerne County**, ACOE Baltimore District.

To remove the existing structure (known as the Union Street Bridge) and to construct and maintain a roadcrossing of South Branch Newport Creek (locally known as Forge Creek) (CWF), consisting of a 24.0-foot x 6.0-foot reinforced concrete box culvert with its invert depressed 2.5 feet below streambed elevation. A temporary stream diversion, utilizing three 48-inch culverts, is proposed. The project is located on West Union Street, approximately 850 feet upstream of Main Street (S.R. 3001), Nanticoke, PA, Quadrangle N: 12.6 inches; W: 1.5 inches.

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

E22-424. Richard Yingst, Yingst Homes, Inc., 7100 Fishing Creek Valley Road, Harrisburg, PA 17112, ACOE Baltimore District in West Hanover Township, **Dauphin County**.

To construct and maintain a waived culvert crossing in an unnamed tributary to Beaver Creek (WWF) which will require placing fill in 0.1 acre of wetlands and to restore

about 0.91 acre of previously filled wetlands by restoring 0.64 acre and mitigating on site 0.27 acre of wetlands for the purpose of developing a residential/commercial development to be known as Bradford Estates located on the east side of Sarhelm Road at its intersection with Jones-town Road (Harrisburg West, PA Quadrangle N: 14.0 inches; West 0.5: inch).

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.

E08-366. Rome Township, R. R. 1 Box 590, Ulster, PA 18850. T-748 Bullard Creek bridge replacement, in Rome Township, **Bradford County**, ACOE Susquehanna River Basin District (Litchfield, PA Quadrangle N: 6.3 inches; W: 5.25 inches).

To construct and maintain a single span reinforced concrete box culvert having a span of 25 feet, and a minimum underclear of 5.91 feet with a skew of 90° and reinforced concrete abutments in Bullard Creek located 0.1 mile along T-748, east of the intersection of S.R. 1029 and T-748. This project proposes to impact 128 linear feet of Bullard Creek, which is, designated a Cold Water Fishery and does not propose to impact any jurisdictional wetlands.

E12-121. Pennsylvania Department of Conservation and Natural Resources, R. R. 1, Box 212, Emporium, PA 15834. East Cowley Run Bridge Replacement, in Portage Township, **Cameron County**, ACOE Baltimore River Basin District (Emporium, PA Quadrangle N: 17.5 inches; W: 8.0 inches).

To remove an existing structure and construct, operate and maintain a single span bridge across East Cowley Run (Exceptional Value) to provide public access within Sizerville State Park. The bridge shall be constructed with a single span of 20-feet and width of 16.8-feet, and underclearance of 6-feet. Construction of in-stream structures shall be conducted in dry work conditions through the use of dams and pumping or a fluming stream flow around work areas. The project will not impact wetlands while impacting 50-feet of waterway. The project is located along the eastern right-of-way of SR 0155 approximately 2800-feet south east of the Sizerville State Park day use road and SR 0155 intersection.

E12-122. Pennsylvania Department of Conservation and Natural Resources, R. R. 1, Box 212, Emporium, PA 15834. East Cowley Run Bridge Replacement, in Portage Township, **Cameron County**, ACOE Baltimore River Basin District (Emporium, PA Quadrangle N: 18 inches; W: 8.2 inches).

To remove an existing structure and construct, operate and maintain a single span bridge across West Cowley Run (Exceptional Value) to provide public access within Sizerville State Park. The bridge shall be constructed with a single span of 15-feet and width of 16.8-feet, and underclearance of 7-feet. Construction of in-stream structures shall be conducted in dry work conditions through the use of dams and pumping or a fluming stream flow around work areas. The project will not impact wetlands while impacting 50-feet of waterway. The project is located along the eastern right-of-way of SR 0155 approximately 1,800-feet south east of the Sizerville State Park day use road and SR 0155 intersection.

E49-244. Allen J. Cwalina, 50 South Second Street, Sunbury, PA 17801. Vine Street bridge, in Mount Carmel Borough, **Northumberland County**, ACOE Baltimore District (Mount Carmel, PA Quadrangle N: 9.0 inches; W: 6.0 inches).

To remove an existing single-span reinforced concrete arch bridge with a bituminous concrete wearing surface, a clear span of 20.0 feet, a minimum upstream underclearance of 14.7 feet and an upstream waterway opening of 220 square feet; and to construct and maintain a 20 feet wide by 10 feet high by 99 feet long reinforced concrete box culvert with a waterway opening of 200 square feet with a chamfered upstream top edge. The proposed structure will be located in Shamokin Creek on Vine Street one block north from the intersection of SR 54161 with North Vine Street in Mount Carmel Borough, **Northumberland County**. The project will not impact wetlands while impacting approximately 200 feet of waterway.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E02-1329. Billy J. Marzec, 1237 Laurel Hill Drive, West Homestead, PA 15120. West Mifflin Borough, **Allegheny County**, ACOE Pittsburgh District.

To operate and maintain two existing 36 inch culverts 200 feet long, to construct and maintain a parallel 48 inch culvert 200 feet long, to construct and maintain an elevated 36 inch culvert 80 feet long and to construct and maintain an 18 inch stormwater culvert outfall in Thompson Run Creek (WWF), to provide additional capacity to the existing stream enclosure. The project is located in the northeast corner of Buttermilk Hollow Road and Thompson Road intersection (Glassport, PA Quadrangle N: 20.1 inches; W: 4.5 inches).

E04-276. Municipal Authority of the Borough of Zelienople, 1857 Route 588, Zelienople, PA 16063. Franklin Township, **Beaver County**, ACOE Pittsburgh District.

To place and maintain fill in 0.28 acre of wetlands (PFO) located within the flood plain of the Connoquenessing Creek (WWF) and to remove fill from the flood plain for the purpose of constructing a new access road from Route 588 to the Zelienople Municipal Airport in order to meet FAA requirements. To meet the wetland replacement requirements the applicant proposes to construct 0.28 acre of replacement wetlands. (Zelienople, PA Quadrangle N: 8.2 inches; W: 4.8 inches).

E65-721-A1. Westmoreland County Industrial Development Corporation, 601 Courthouse Square, 2 North Main Street, Greensburg, PA 15601. South Huntingdon Township, **Westmoreland County**, ACOE Pittsburgh District.

To amend Permit E65-721 to place and maintain fill in 0.45 acre of wetlands and construct 0.45 acre of replacement wetlands for the purpose of expanding the existing I-70 Industrial Park. The proposed work includes the construction and maintenance of two 36-inch CPP culverts in an unnamed tributary to the Youghiogheny River (WWF) and the installation and maintenance of two 8-inch PVC sewer lines and two 1-inch gas lines in an unnamed tributary to the Youghiogheny River (WWF). (Donora, PA Quadrangle N: 10.55 inches; W: 0.88 inch).

E65-773. North Huntingdon Township Municipal Authority, 11265 Center Highway, North Huntingdon, PA 15642-2018. North Huntingdon Township, **Westmoreland County**, ACOE Pittsburgh District.

To construct and maintain a 40-foot diameter tank to process flows from an existing sanitary sewage pump station in the 100-year floodplain of Long Run (HQ-TSF). Also to place and maintain fill along the right bank of said stream (McKeesport, PA Quadrangle N: 13.00 inches; W: 3.30 inches).

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.

EA25-003CO. BBKC, Inc., 11340 Pont Road, Albion, PA 16401. Elk Creek Township, **Erie County**, ACOE Pittsburgh District.

Project proposes to construct a nonjurisdictional dam across a tributary to Temple Creek (WWF; MF) directly and indirectly impacting approximately 500 linear feet of stream channel for the purpose of stormwater management at the proposed Motorplex Raceway Park. The dam will be located approximately 1,700 feet west of the intersection of Pont Road and Whittaker Road (Conneautville, PA Quadrangle N: 20.3 inches; W: 10.7 inches).

ACTIONS

**FINAL ACTIONS TAKEN UNDER THE
PENNSYLVANIA CLEAN STREAMS LAW AND THE
FEDERAL CLEAN WATER ACT—NPDES AND WQM
PART II PERMITS**

**INDUSTRIAL WASTE AND SEWERAGE
WASTEWATER**

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications and requests for plan approval.

Persons aggrieved by this action may appeal, under Section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

**Municipal and Industrial Permit Actions under The
Clean Streams Law (35 P. S. §§ 691.1—691.1001).**

Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

WQM Permit No. 1599415 Amendment No. 1. Sewage. **Hideaway Mobile Home Park, L.P.**, 215 West Church Road, Suite 105, King of Prussia, PA 19406. Applicant is granted approval to make modifications to the effluent limitations contained in the existing permit for disposal of treated sewage on seepage beds located in West Caln Township, **Chester County**.

NPDES Permit No. PA0029343. Sewage. **Chatham Acres Nursing Home**, East London Grove Avenue, Chatham, PA 19318-001. Is authorized to discharge from a facility located in London Grove Township, Chester County, **Chester County** into the East Branch of White Clay Creek.

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

WQM Permit No. 4001402, Sewerage, **Can-Do, Inc.**, One South Church Street, Hazleton, PA 18201.

This proposed facility is located in Hazle Township, **Luzerne County**.

Description of Proposed Action/Activity: for construction of effluent dechlorination facility. Sodium bisulfite solution will be used to dechlorinate the effluent from the 0.5 mgd. WWTP.

Southcentral Region: Water Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

NPDES Permit No. PA0087181, Sewage, **Ephrata Borough Authority**, Ephrata Regional Wastewater Treatment Plant #2, 114 East Main Street, Ephrata, PA 17522.

This proposed facility is located in Ephrata Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to Cocalico Creek in Watershed 7-J.

WQM Permit No. 0601401, Sewerage, **Amity Township**, 2004 Weavertown Road, Douglassville, PA 19518.

This proposed facility is located in Amity Township, **Berks County**.

Description of Proposed Action/Activity: Approval for the construction/operation of Sewers and Appurtenances.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

NPDES Permit No. PA0036846, Sewerage, **New Berlin Municipal Authority**, 701 Water Street, New Berlin, PA 17855-0396.

This proposed facility is located in New Berlin Borough, **Union County**.

Description of Proposed Action/Activity: Renewal of an existing permit. Consist of extended aeration with settling and chlorination.

NPDES Permit No. PA0228311, Sewerage, **Brady Township**, 1986 Elimsport Road, Montgomery, PA 17752.

This proposed facility is located in Brady Township, **Lycoming County**.

Description of Proposed Action/Activity: Is authorized to discharge treated effluent to receiving waters named Black Hole Creek.

NPDES Permit No. PA0020036, Sewerage, **Blossburg Municipal Authority**, 206 Main Street, Blossburg, PA 16912.

This proposed facility is located in Blossburg Borough, **Tioga County**.

Description of Proposed Action/Activity: renewal of existing permit to discharge treated effluent to receiving waters named Tioga River.

NPDES Permit No. PA0114821, Sewerage, **Gregg Township Municipal Authority**, P. O. Box 192, Allenwood, PA 17810-0192.

This proposed facility is located in Gregg Township, **Union County**.

Description of Proposed Action/Activity: Renewal of existing permit to discharge treated effluent to receiving waters named West Branch of the Susquehanna River.

WQM Permit No. 5300401, Sewerage. **Harrison Township**, 205 E Main Street, P. O. Box 92, Harrison Valley, PA 16927.

This proposed facility is located in Harrison Township, **Potter County**.

Description of Proposed Action/Activity: New collection system, pump station and extended aeration package treatment plant (including primary screening and grinding flow equalization, extended aeration activated sludge, final clarification, chlorination/dechlorination with sodium bisulfate, post aeration, aerobic digestion and reed sludge drying beds).

WQM Permit No. 1983406, Sewerage. **Patricia Eckroth**, 246 Eckroth Road, Bloomsburg, PA 17815.

This proposed facility is located in North Centre Township, **Columbia County**.

Description of Proposed Action/Activity: Transfer of single residence sewage treatment system.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

WQM Permit No. 2001405, Sewerage. **Nancy L. Overman**, 17707 Brookhouser Road, Saegertown, PA 16433.

This proposed facility is located in Hayfield Township, **Crawford County**.

Description of Proposed Action/Activity: This project is for the construction of a Single Residence Sewage Treatment Plant.

NPDES Permit No. PA0104167, Industrial Waste, **Erie City Water Authority**, Chestnut Street, 340 West Bayfront Parkway, Erie, PA 16507-0729.

This proposed facility is located in City of Erie, **Erie County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to Presque Isle Bay.

NPDES Permit No. PA0100889, Industrial Waste, **Erie City Water Authority, Sommerheim**, 340 West Bayfront Parkway, Erie, PA 16507-0729.

This proposed facility is located in City of Erie, **Erie County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to Presque Isle Bay.

NPDES Permit No. PA0102962, Sewage, **Sugar**

Grove American Legion Home Corporation, P. O. Box 386, Sugar Grove, PA 16350.

This proposed facility is located in Sugar Grove Township, **Warren County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to an unnamed tributary to Stillwater Creek.

NPDES Permit No. PA0021792 Amendment No. 2, Sewage, **Municipal Authority of the Borough of Edinboro**, 124 Meadville Street, Edinboro, PA 16412.

This proposed facility is located in Borough of Edinboro, **Erie County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to an unnamed tributary to Conneaut Creek.

WQM Permit No. 1001202, Industrial Waste, **AK Steel Corporation—Butler Operations**, P. O. Box 832, Route 8 South, Butler, PA 16003-0832.

This proposed facility is located in Butler Township, **Butler County**.

Description of Proposed Action/Activity: This project is for the conversion of four nitric acid pickling lines over to hydrogen peroxide pickling.

NPDES STORMWATER INDIVIDUAL PERMITS

(PAS)

The following NPDES Individual Permits for Discharges of Stormwater Associated with Construction Activities have been issued.

These actions of the Department of Environmental Protection (Department) may be appealed to the Environmental Hearing Board (Board), Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483, by any aggrieved person under the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Appeals must be filed with the Board within 30 days from the date of this issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Department's regulations governing practice and procedure before the Board may be obtained from the Board.

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10Q215	Edward E. Hartman Diamond Estates 6582 Central Rd. New Tripoli, PA 18066	Lehigh	Heidelberg Township	Unnamed Tributary To Jordon Creek HQ-CWF
PAS10R038	Carl Kern Kern Restaurant P. O. Box 246 Lehman, PA 18267	Luzerne	Lehman Township	Harvey's Creek HQ-CWF
PAS10U137	Northampton County Industrial Development Authority 669 Washington St. Easton, PA 18042	Northampton	Plainfield Township	Little Bushkill Creek HQ-CWF

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS107420	Louis J. Zefran Superintendent Western Wayne School Dist. P. O. Box 500 South Cannan, PA	Wayne	South Canaan Township	Middle Creek HQ-CWF

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS102515	Fox Township P. O. Box 814 Kersey, PA 15846	Elk County	Fox Township	Beaver Run (CWF)

APPROVALS TO USE NPDES AND/OR OTHER GENERAL PERMITS

The following parties have submitted: (1) Notices of Intent (NOIs) for Coverage Under (1) General NPDES Permits to Discharge Wastewater into the Waters of the Commonwealth. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations. Monitoring, reporting requirements and other conditions set forth in the general permit; (2) General Permits for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania; (3) General NPDES Permit Authorizing the Discharge of Stormwater Associated with Construction Activities to Waters of the Commonwealth; (4) Notification for First Use Application of Sewage Sludge.

The approval of coverage for land application of sewage sludge or residential septage under these general permits is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. The Department of Environmental Protection approves the following coverage under the specific General Permit.

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.24.

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)

General Permit Type—PAG-2

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Chadds Ford Township Delaware County	PAR10-J118-1	Henerson 112 Chesley Dr., Suite 200 Media, PA 19063	Brandywine Creek (WWF, MF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Ridley Township Delaware County	PAR10-J205	Mullen-Dunmon Excavating 701 Second Avenue Prospect Park, PA 19076	UNT to Little Crum Creek (9WWF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Plymouth Township Montgomery County	PAR10-T701	Hillview Construction Co., Inc. 950 West Valley Forge Road King of Prussia, PA 19406	UNT to Plymouth Creek (WWF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Upper Pottsgrove Town- ship Montgomery County	PAR10-T615	Renovations by Design P. O. Box J Newtown, PA 19073	Sprogels Run (WWF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Lower Providence Town- ship Montgomery County	PAR10-T662	Toll Brothers, Inc. 3103 Philmont Avenue Huntingdon Valley, PA	Perkiomen Creek (WF, M)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Lower Salford Township Montgomery County	PAR10-T678	The Cutler Group, Inc. 5 Sentry Parkway West Blue Bell, PA 19422	Tributary to East Branch Perkiomen Creek (TSF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Worcester Township Montgomery County	PAR10-T722	Gambone Brothers Dev. P. O. Box 287 Fairview Village, PA 19409	UNT of Skippack Creek (WWF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Upper Merion Township Montgomery County	PAR10-T734	William Gallagher 462 Glennie Circle King of Prussia, PA 19403	Schuylkill River (WF,W)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Lackawanna County Glenburn Township	PAR10N121	Joseph Gagliardi P. O. Box 126 Clarks Summit, PA 18411	Ackerly Creek TSF	Lackawanna County Con- servation District (570) 281-9495
Schuylkill County Washington Township	PAR105813	Shoner Subdivision J. Allan & Carol M. Shoner R. D. #3, Box 137 Pine Grove, PA 17963	Lower Little Swatara Creek CWF	Schuylkill County Conser- vation District (570) 622-3742
Bern Township Berks County	PAR10C351	Berks Heim Nursing Home Board of County Com- missioners Berks County Services Center 633 Court Street Reading, PA 19601	Plum Creek	Berks County Conservation District P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657
Snyder Township Blair County	PAR100717	Perpetual Care LLC. 1025 Evergreen Road State College, PA 16801	Bald Eagle Creek (TSF)	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Allegheny Township Blair County	PAR100718	Leonard S. Fiore, Inc. 5506 6th Avenue Rear Altoona, PA 16603	Burgoon Run (TSF)	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877
Londonderry Township Dauphin County	PAR10I250	Hess Enterprises 13 Aberdeen Shopping Plaza Aberdeen, MD 21001	Iron Run Swatara Creek 2 UNTs to Swatara Creek	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
York City York County	PAR10Y518	York Catholic High School 601 E. Springettsbury Ave. York, PA 17403	Codorus Creek (WWF)	York County Conservation District 118 Pleasant Acres Rd York, PA 17402 (717) 840-7430
Fairview Township York County	PAR10Y516	Michael Green Deer Run Associates 4075 Market Street Camp Hill, PA 17011	Fishing Creek (TSF)	York County Conservation District 118 Pleasant Acres Rd York, PA 17402 (717) 840-7430
Fairview Township York County	PAR10Y524	I-83 Warehouse Investors LP. Adam Meinstein 110 E. 59th Street 18th Flr. New York, NY 10022	Fishing Creek (TSF)	York County Conservation District 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Shrewsbury Township York County	PAR10Y512	Shrewsbury Gospel Temple P. O. Box 193 Shrewsbury, PA 17361	UNT to Trout Run (WWF)	York County Conservation District 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Manchester Township York County	PAR10Y503	Blackbridge Industrial Park Markey Builders, Inc. 1732 W. King Street York, PA 17404	Codorus Creek (WWF)	York County Conservation District 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Dover Township York County	PAR10Y520	Wandering Streams Phase V Julie Martin 4115 Smith Street Dover, PA 17315	UNT to Fox Run (TSF)	York County Conservation District 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Shrewsbury Township York County	PAR10Y487	Presidential Heights Stephen Anderson 10883 Oak Ridge Avenue Red Lion, PA 17356	UNT to Deer Creek (CWF)	York County Conservation District 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Warwick Township Lancaster County	PAR10O466	Lancaster Evangelical Free Church 419 Pierson Road Lititz, PA 17543	Lititz Run (WWF)	Lancaster County Conservation District 1383 Arcadia Road Rm. 6 Lancaster, PA 17601 (717) 299-5361
Manor Township Lancaster County	PAR10O478	Penn Manor School District PO Box 1001 Millersville, PA 17551	West Branch Little Conestoga Creek (TSF)	Lancaster County Conservation District 1383 Arcadia Road Rm. 6 Lancaster, PA 17601 (717) 299-5361
West Donegal Township Lancaster County	PAR10O479	Borough of Elizabethtown 600 S. Hanover Street Elizabethtown, PA 17022	Conoy Creek (TSF)	Lancaster County Conservation District 1383 Arcadia Road Rm. 6 Lancaster, PA 17601 (717) 299-5361

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
East Hempfield Township Lancaster County	PAR100483	Hempfield School District 200 Church Street Landisville, PA 17538	Millers Run (CWF)	Lancaster County Conservation District 1383 Arcadia Road Rm. 6 Lancaster, PA 17601 (717) 299-5361

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Scott Township Columbia County	PAR102137	Camplese/Kmart Expansion Donald A. Carplese 20 E. 12th St. Bloomsburg, PA 17815	Tributary to Neals Run CWF	Columbia County Cons. Dist. 702 Sawmill Rd., Suite 204 Bloomsburg, PA 17815 (570) 784-3247

Southwest Region: Regional Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Allegheny County Ross Township	PAR10A488-1	The Home Depot, USA, Inc. 3096 Hamilton Boulevard South Plainfield, NJ 07080	UNT Girty's Run/ WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Franklin Park Borough Marshall Township	PAR10A491	Walnut Capital Partners, Inc. 5500 Walnut Street Suite 300 Pittsburgh, PA 15232	Pine Creek/CWF	Allegheny County Conservation District (412) 241-7645
Armstrong County Apollo Borough	PAR10B034	Borough of Apollo 405 N. Pennsylvania Avenue Apollo, PA 15613	Kiskiminetas River/WWF	Armstrong County Conservation District (724) 548-3425
Cambria County Cambria Township	PAR101071	Central Cambria School Dist 208 Schoolhouse Road Ebensburg, PA 15931	South Branch of Blacklick Creek/ CWF	Cambria County Conservation District (814) 472-2120
Somerset County Shade Township Quemahoning Township	PAR106140	Upper Stonycreek Joint Municipal Authority P. O. Box 24 Hooversville, PA 15936	Stonycreek/TSF Beaver Dam Creek/CWF Oven Run/CWF	Somerset County Conservation District (814) 445-4652
Washington County Cecil Township	PAR10W124-1	Pristine Fields Associates GP 3625 Washington Pike Bridgeville, PA 15017	Brush Run/WWF	Washington County Conservation District (724) 228-6774
Butler County Buffalo Township	PAR10E147	South Butler Primary Center South Butler School District P. O. Box 657 340 Knoch Road Saxonburg, PA 15056	Thorn Creek (CWF)	Butler Conservation District 122 McCune Drive Butler, PA 16001-65001 (724) 284-5270
Mercer County Liberty and Pine Townships	PAR104362	James E. Eury Browntown Development Company LLC 313 Beech Street Butler, PA 16001	Swamp Run (CWF)	Mercer Conservation District 747 Greenville Road Mercer, PA 16137 (724) 662-2242

General Permit Type—PAG-3

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Hatfield Township Montgomery County	PAR120016	Hatfield Quality Meats 2700 Funks Road P. O. Box 902 Hatfield, PA 19440	Unnamed tributary to Skippack Creek—Perkiomen Watershed	Southeast Regional Office Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428-2233 (610) 832-6131
York County Springettsbury Township	PAR113524	Fenton LLC & Bowles LLC 1650 Des Peres Road Suite 303 St. Louis, MO 63131	Mill Creek / WWF	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lycoming County Fairfield Township	PAR804862	Federal Express World Headquarters Environmental Management Department Building B, Second Floor 3620 Hacks Cross Road Memphis, TN 38125-7113	Bennetts Run and West Branch of the Susquehanna River	Northcentral Regional Office DEP 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Clearfield County Pike Township	PAR214820	North American Refractories Company RHI Refractories America 501 East Market St. Suite 14 Clearfield, PA 16830	Anderson Creek	Northcentral Regional Office DEP 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Clearfield County Bradford Township	PAR224831	Willamette Industries Inc Johnsonburg Mill 100 Center Street Johnsonburg, PA 15845	Roaring Run	Northcentral Regional Office DEP 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Lycoming County City of Williamsport	PAR704807	HRI Inc. 1750 West College Ave. State College, PA 16801	Daugherty Run	Northcentral Regional Office DEP 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Cresson Township Cambria County	PAR806168	Woodland Equipment & Supply P. O. Box 241 Woodland, PA 16681	UNT to Clearfield Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Brookville Borough Jefferson County	PAR228322	Matson Lumber Company 132 Main Street Brookville, PA 15825	Tributary of Sandy Lick Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Eldred Township McKean County	PAR228324	Ethan Allen, Inc.—Eldred Division Route 446 Eldred, PA 16731-9664	Unnamed tributary to Allegheny River	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-4

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Franklin County Guilford Township	PAG043674	Kelly M. Martin 1341 S. 5th Street Chambersburg, PA 17201	Conococheague Creek/WWF	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Northumberland County Jordan Township	PAG044855	Darryl L. Croutharmel Box 1254 Herndon, PA 17830	Unnamed tributary to Mahantango Creek	Northcentral Regional Office DEP 208 West Third St. Suite 101 Williamsport PA 17701
Columbia County North Centre Township	PAG045054	Patricia Eckroth 246 Eckroth Road Bloomsburg, PA 17815	Cabin Run	Northcentral Regional Office DEP 208 West Third St. Suite 101 Williamsport PA 17701
Hayfield Township Crawford County	PAG048721	Nancy L. Overman 2520 Shetland Lane Poland, OH 44514	Unnamed tributary to Cussewago Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG-9</i>				
<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Site Name & Location</i>	<i>Contact Office and Telephone No.</i>
Farmington Township Clarion County	PAG098307	James T. Bauer 29998 Route 66 Lucinda, PA 16235	James T. Bauer 29998 Route 66 Lucinda, PA 16235	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG-9 (SSN)</i>				
<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Site Name & Location</i>	<i>Contact Office and Telephone No.</i>
Antrim Township Franklin County	PAG-09-3534	Antrim Septic Service 3119 Barr Road Greencastle, PA 17225	Burcker Farm Antrim Township Franklin County	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

Northeast Region: Water Supply Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Permit No. 3390439, Operations Permit. Public Water Supply.

Applicant	John Kennedy, Jr. Supervisor of Buildings & Grounds Northwestern Lehigh School District Weisenberg Elementary School 6493 Route 209 New Tripoli, PA 18066
Borough or Township	Weisenberg Township
County	Lehigh
Type of Facility	Public Water Supply
Consulting Engineer	Barry Isett & Associates Inc. P. O. Box 147 Trexlerstown, PA 18087
Permit to Operate Issued	March 29, 2001

Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

Permit No. 4146292-T3, Public Water Supply.

Applicant	Danone Waters of North America, Inc.
Township	Boggs Township

County **Centre**
Type of Facility Bottled Water Plant
Consulting Engineer Sweetland Engineering & Assoc., Inc.
600 Science Park Road
State College, PA 16803
Permit to Operate Issued April 2, 2001

Permit No. 4146292-Amendment 6-T1, Public Water Supply.

Applicant **Danone Waters of North America, Inc.**
Township Boggs Township
County **Centre**
Type of Facility Bottled Water Plant
Consulting Engineer Sweetland Engineering & Assoc., Inc.
600 Science Park Road
State College, PA 16803
Permit to Operate Issued April 2, 2001

Permit No. 4146292-Amendment 8-T1, Public Water Supply.

Applicant **Danone Waters of North America, Inc.**
Township Boggs Township
County **Centre**
Type of Facility Bottled Water Plant
Consulting Engineer Sweetland Engineering & Assoc., Inc.
600 Science Park Road
State College, PA 16803
Permit to Operate Issued April 2, 2001

Permit No. 4146292-Amendment 9-T1, Public Water Supply.

Applicant **Danone Waters of North America, Inc.**
Township Boggs Township
County **Centre**
Type of Facility Bottled Water Plant
Consulting Engineer Sweetland Engineering & Assoc., Inc.
600 Science Park Road
State College, PA 16803
Permit to Operate Issued April 2, 2001

Permit No. 4146292-Amendment 10-T1, Public Water Supply.

Applicant **Danone Waters of North America, Inc.**
Township Boggs Township
County **Centre**
Type of Facility Bottled Water Plant
Consulting Engineer Sweetland Engineering & Assoc., Inc.
600 Science Park Road
State College, PA 16803
Permit to Operate Issued April 2, 2001

Permit No. 4146292-Amendment 13, Public Water Supply.

Applicant **Danone Waters of North America, Inc.**
Township Boggs Township
County **Centre**
Type of Facility Bottled Water Plant
Consulting Engineer Sweetland Engineering & Assoc., Inc.
600 Science Park Road
State College, PA 16803
Permit to Operate Issued April 2, 2001

Permit No. 4146292-Amendment 7. Public Water Supply.

Applicant **Danone Waters of North America, Inc.**
 Township **Boggs Township**
 County **Centre**
 Type of Facility **Bottled Water Plant**
 Consulting Engineer **Sweetland Engineering & Assoc., Inc.**
600 Science Park Road
State College, PA 16803

Permit to Operate Cancelled April 2, 2001

Permit No. 4146292-Amendment 11. Public Water Supply.

Applicant **Danone Waters of North America, Inc.**
 Township **Boggs Township**
 County **Centre**
 Type of Facility **Bottled Water Plant**
 Consulting Engineer **Sweetland Engineering & Assoc., Inc.**
600 Science Park Road
State College, PA 16803

Permit to Operate Cancelled April 2, 2001

Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Permit No. 0201501, Minor Amendment. Public Water Supply.

Applicant **Oakmont Borough Municipal Authority**
P. O. Box 73, 721 Allegheny Avenue
Oakmont, PA 15139

[Borough or Township] **Penn Hills**
 County **Allegheny**
 Type of Facility **Hunter Road Standpipe improvements**
 Consulting Engineer **Frank Lemmon, NIRA Consulting Engineers, Inc.**
950 Fifth Avenue
Coraopolis, PA 15108

Permit to Construct Issued March 30, 2001

Permit No. 6301501, Minor Amendment. Public Water Supply.

Applicant **Pennsylvania American Water Company**
P. O. Box 1290, 300 Galley Road
McMurray, PA 15317

[Borough or Township] **Cross Creek Township**
 County **Washington**
 Type of Facility **Quakers Knob 1.0 million gallon storage tank**
 Consulting Engineer **Jerry Hankey, PA American Water Company**
1909 Oakland Avenue
Indiana, PA 15701

Permit to Construct Issued April 3, 2001

Operations Permit issued to: **NOVA Chemicals, Inc.**, Beaver Valley Site, 400 Frankfort Road, Monaca, PA 15061-2298, Potter Township, **Beaver County** on April 3, 2001.

Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Permit No. 4301501, Public Water Supply.

Applicant **Jamestown Municipal Authority**
406 Jackson Street, P. O. Box 188
Jamestown, PA 16134

Borough or Township **Jamestown Borough**
 County **Mercer**

Type of Facility Community Water Supply
 Consulting Engineer Joseph Pacchioni, P.E., Hickory Engineering Inc.
 3755 East State Street
 Hermitage, PA 16148
 Permit to Construct Issued March 27, 2001

Operations Permit issued to: **Millcreek Township Water Authority**, 3608 West 26th Street, Erie, PA 16505, Millcreek Township, **Erie County** on April 2, 2001.

WATER ALLOCATIONS

Applications received under the Act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631—641) relating to the acquisition of rights to divert waters of this Commonwealth.

Southeast Region: Water Supply Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

WA15-182. Succession to Water Rights. The Department has acknowledged that **PA-American Water Company**, City of Coatesville, **Chester County** has given notice that it succeeded to all rights and obligations under the permit issued to the former City of Coatesville Authority, Chester County on March 23, 2001.

WA-917. Succession to Water Rights. The Department has acknowledged that **PA-American Water Company**, City of Coatesville, **Chester County** has given notice that it succeeded to all rights and obligations under the permit issued to the former City of Coatesville Authority, Chester County on March 23, 2001.

WA-182C. Succession to Water Rights. The Department has acknowledged that **PA-American Water Company**, City of Coatesville, **Chester County** has given notice that it succeeded to all rights and obligations under the permit issued to the former City of Coatesville Authority, Chester County on March 23, 2001.

WA-182D. Succession to Water Rights. The Department has acknowledged that **PA-American Water Company**, City of Coatesville, **Chester County** has given notice that it succeeded to all rights and obligations under the permit issued to the former City of Coatesville Authority, Chester County on March 23, 2001.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P.S. § 750.5).

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Franklin Township	Box 309, Cashtown, PA 17301	Adams County

Plan Description: The approved plan provides for the construction of a community sewerage treatment system to serve 13 homes along Poplar Springs Rd. in Franklin Township, Adams County. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Guilford Township	115 Spring Valley Road Chambersburg, PA 17201	Franklin County

Plan Description: The approved plan provides for extension of Guilford Township Authority sewers to serve the existing Vo-Tech School, Learning Center and a proposed Fire Fighting Training Center. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
West Hanover Township	7171 Allentown Boulevard, Harrisburg, PA 17112	Dauphin

Plan Description: The approved plan provides for a low pressure force main sewer extension with grinder pumps to serve three existing residential structures on Fox Mill Road. The anticipated sewage flow from this extension will be 1,200 gpd. This project expands the scope of previously approved planning in West Hanover Township.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION UNDER ACT 2, 1995

PREAMBLE 2

The following final reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site where one of the Act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed, and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected.

For further information concerning the final report, contact the Environmental Cleanup Program Manager in the Department of Environmental Protection Regional

Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

Southeast Region: Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

Madiro Property, Downingtown Borough, **Chester County**. Susan Ahern, Evans Mill Environmental, Inc., 101 Fellowship Road, P. O. Box 735, Uwchland, PA 19480, on behalf of Anthony J., Jr. and Teresa W. Madiro, 21 E. Lancaster Ave., Downingtown, PA, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with lead, BTEX and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.

Matthew Motors—Covington Site, Covington Township, **Tioga County**. Brooks Petroleum Contracting Company, R. R. 7, Box 141, Wellsboro, PA 16901, on behalf of Putnam Company, 5 East Avenue, Wellsboro, PA 16901, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with BTEX. The report is intended to document remediation of the site to meet the Statewide Health Standard. (See additional notice in this *Pennsylvania Bulletin*).

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745.

Colinet Residence, Lucerne Township, **Fayette County**. James P. Gallagher, Marshall Miller and Associates, 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011 (on behalf of Sam and Madelyn Colinet, 192 Oakhill Drive, Adah, PA 15410) has submitted a Final Report concerning remediation of site soil contaminated with BTEX, and PAHs. The report is intended to document remediation of the site to meet the Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION UNDER ACT 2, 1995

PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of 25 Pa. Code § 250.8, Administration of the Land Recycling and Environmental Remediation Standards Act (Act) requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Land Recycling and

Environmental Remediation Standards Act. Plans and reports required by provisions of the Act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program Manager in the Department of Environmental Protection Regional Office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

Southeast Region: Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

Binder Residence, Lower Moreland Township, **Montgomery County**. Jennifer Moyer, Brinkerhoff Environmental Services, Inc., 133 Jackson Rd., Suite D, Medford, NJ 08055, on behalf of Lucy Binder, Huntingdon Valley, PA, has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with BTEX. The Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 30, 2001.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Arco Chemical Company, Beaver Valley Plant (Over the Hill Tank Farm Area), Potter Township, **Beaver County**. Thomas J. Walsh, on behalf of ARCO Chemical Company, 3801 West Chester Pike, Newtown Square, PA 19073 and Beazer East, Inc., One Oxford Centre, Suite 3000, Pittsburgh, PA 15219, has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with heavy metals, BTEX, PHCs, PAHs and C8+HC. The report did not demonstrate attainment of the Site Specific Standard and was disapproved by the Department on March 27, 2001.

Arco Chemical Company, Beaver Valley Plant (Central Plant/Styrene II Area), Potter Township, **Beaver County**. Thomas J. Walsh, on behalf of ARCO Chemical Company, 3801 West Chester Pike, Newtown Square, PA 19073 and Beazer East, Inc., One Oxford Centre, Suite 3000, Pittsburgh, PA 15219, has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with heavy metals, BTEX, PHCs, PAHs and C8+HC. The report did not demonstrate attainment of the Site Specific Standard and was disapproved by the Department on March 27, 2001.

HAZARDOUS WASTE TRANSPORTER LICENSE

Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

HAZARDOUS WASTE TRANSPORTER LICENSE RENEWED

Cambridge Chemical Cleaning, Inc., P. O. Box 4220, 1250 W. Elizabeth Avenue, Linden, NJ 07036. License No. **PA-AH 0356**. Effective March 28, 2001.

Philip Reclamation Services, Houston, Inc., 4050 Homestead Road, Houston, TX 77028. License No. **PA-AH 0546**. Effective March 28, 2001.

The Pennohio Corporation, 4813 Woodman Avenue, Ashtabula, OH 44004. License No. **PA-AH 0618**. Effective March 28, 2001.

HAZARDOUS WASTE TRANSPORTER LICENSE

Hazardous Waste Transporter License, actions taken under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

HAZARDOUS WASTE TRANSPORTER LICENSE EXPIRED

EQ Industrial Services, Inc., 36255 Michigan Avenue, Wayne, MI 48184. License No. **PA-AH 0615**. Effective March 31, 2001.

Fenn-Vac, Inc., P. O. Box 62679, North Charleston, SC 29419. License No. **PA-AH 0542**. Effective March 31, 2001.

Northstar Marine, Inc., 45 Brooks Avenue, Swainton, NJ 08201. License No. **PA-AH 0614**. Effective March 31, 2001.

Peoria Disposal Company, 1113 N. Swords Avenue, Peoria, IL 61604-4898. License No. **PA-AH 0556**. Effective March 31, 2001.

Trans-Enviro Inc., 19701 South Miles Road, Suite 51, Cleveland, OH 44128. License No. **PA-AH 0480**. Effective March 31, 2001.

RESIDUAL WASTE GENERAL PERMITS

Permit Issued under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to operate residual waste processing facilities and the beneficial use of residual waste other than coal ash.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.

General Permit No. WMGR068. Northampton Generating Company, L.P., 1 Horwith Drive, Northampton, PA 18067. The beneficial use of carbonaceous wastes as an alternative fuel for circulating fluidized bed boilers, and the beneficial use of the resulting ash as a soil additive to promote revegetation at mine sties, and as prescribed in 25 Pa. Code §§ 287.661—666. The permit was issued by the Division of Municipal and Residual Waste on March 20, 2001.

Persons interested in reviewing the general permit may contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

HAZARDOUS WASTE TREATMENT, STORAGE & DISPOSAL FACILITIES

Permits revoked under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations to operate a hazardous waste treatment, storage or disposal facility.

Southeast Region: Division of Municipal and Residual Waste, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

PAD4170022418. Philadelphia Naval Shipyard, Philadelphia, PA, City of Philadelphia. Hazardous waste container storage area has been closed and the permittee has requested that the RCRA permit be revoked. Permit revoked on March 30, 2001.

PAD098160906. Marcus Hook Processing, Inc., Penn Avenue, Marcus Hook, PA, Borough of Marcus Hook, **Delaware County**. Facility has been clean closed and the permittee has requested that the permit be revoked and the bond released. Permit revoked on March 30, 2001.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permit modification authorizing a name change under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Permit No. 101467. Kittanning Transfer Station (formerly Tri-Valley Transfer Station), Route 7, Box 302, Pony Farm Road, Kittanning, PA 16201. Operation of a municipal waste transfer station in North Buffalo Township, **Armstrong County**. Permit modification authorizing a name change and continued municipal waste operations until March 19, 2011, issued in the Regional Office on March 19, 2001. Please note this permit modification supercedes the one issued March 6, 2001, and published in the *Pennsylvania Bulletin* on March 24, 2001.

AIR QUALITY

General Plan Approval and Operating Permit usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Devendra Verma, New Source Review Chief, (814) 332-6940.

42-189: East Resources, Inc.—Gill Kane Station (Warrant 3085, Hamlin, PA 16749) on March 30, 2001, for operation of three natural gas fired compressor engines in Hamlin Township, **McKean County**.

De Minimis increases approved under 25 Pa. Code § 127.449 (relating to de minimis emission increases).

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Michael Safko, Acting New Source Review Chief, (570) 826-2531.

48-00006: Reliant Energy Mid-Atlantic Power Holding LLC—Portland Generating Station (Route 611, Portland, PA 18351) for installation of an emergency generator at their Title V facility in Upper Mt. Bethel Township, **Northampton County**.

Operating Permit Minor Modifications Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.462.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Devendra Verma, New Source Review Chief, (814) 332-6940.

62-00017: United Refining Co. (Bradley and Dobson Streets, Warren, PA 16365) amended the Title V Operating Permit on March 21, 2001, to incorporate the newly applicable requirements from Plan Approval No. 62-312-014A for operation of a vapor combustion unit to control volatile organic compound emissions from the Loading Rack (Source 211) in Warren, **Warren County**.

Operating Permits Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F (relating to operating permit requirements).

Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, Thomas McGinley, New Source Review Chief, (610) 832-6242.

09-00013: Wheelabrator Falls, Inc. (1201 New Ford Mill Road, Morrisville, PA 19067) issued a Title V Operating Permit on March 28, 2001, for operation of their facility in Falls Township, **Bucks County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, William Charlton, New Source Review Chief, (412) 442-4174.

11-000-318: Ebensburg Power Co. (2840 New Germany Road, P. O. Box 845, Ebensburg, PA 15931) on March 28, 2001, for a RACT approval for operation of Electricity Generation at Ebensburg Cogeneration Plant in Cambria Township, **Cambria County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Devendra Verma, New Source Review Chief, (814) 332-6940.

25-00931: Department of Corrections—SCI Albion (10745 Route 18, Albion, PA 16401) issued a Synthetic Minor Operating Permit on March 26, 2001, for operation of the facility's air contamination sources in Albion Borough, **Erie County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B (relating to plan approval requirements).

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Michael Safko, Acting New Source Review Chief, (570) 826-2531.

13-399-010: Silberline Manufacturing Co., Inc. (130 Lincoln Drive, P. O. Box B, Tamaqua, PA 18252) on March 23, 2001, for modification of an aluminum pigment manufacturing process in Lansford Borough, **Carbon County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.

07-05023A: A. P. Green Refractories, Inc. (600 Grant Street, Pittsburgh, PA 15219) on March 27, 2001, for replacement of an existing cone crusher with a rotapactor crusher controlled by a fabric collector at the Sproul Plant in Greenfield Township, **Blair County**.

22-05034A: Pennsy Supply, Inc. (P. O. Box 3331, Harrisburg, PA 17105) on March 27, 2001, for modification to an existing hot mix asphalt plant so as to have the capability to burn waste oil located at the Hummelstown Quarry in South Hanover Township, **Dauphin County**. This source is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities and 40 CFR Part 60, Subpart Kb—Standards of Performance for Volatile Organic Liquid Storage Vessels.

38-02011: Plain 'n Fancy Kitchens, Inc. (P. O. Box 519, Schaefferstown, PA 17088) on March 28, 2001, for a kitchen cabinet finish line at the Route 501 and Oak Street location in Heidelberg Township, **Lebanon County**. This source is subject to 40 CFR Part 63, Subpart JJ—National Emission Standards for Wood Furniture Manufacturing Operations. This Plan Approval also contains the Reasonably Available Controlled Technology (RACT) plan for existing equipment.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, William Charlton, New Source Review Chief, (412) 442-4174.

11-498A: Pets After Life Services (316 Allen Street, Portage, PA 15946) on March 23, 2001, for operation of an Animal Crematory at the Crematory in Portage Township, **Cambria County**.

03-026A: Eljer Plumbingware, Inc. (1301 Eljer Way, Ford City, PA 16226) on March 27, 2001, for operation of Tunnel Kiln #1 at Ford City Plant in Burrell Township, **Armstrong County**.

Plan Approvals Extensions Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.13 (relating to extensions).

Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, Thomas McGinley, New Source Review Chief, (610) 832-6242.

09-0024A: Waste Management of PA, Inc. (200 Bordentown Road, Tullytown, PA 19007) on March 29, 2001, for operation of a permitted landfill in Tullytown Borough, **Bucks County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.

22-301-058: Pennsylvania Department of Agriculture (2301 North Cameron Street, Harrisburg, PA 17110) on January 18, 2001, for operation of a multi-chambered incinerator controlled by a venturi-wet scrubber and mist eliminator, covered under this Plan Approval until May 18, 2001, in Susquehanna Township, **Dauphin County**.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, Richard Maxwell, New Source Review Chief, (570) 327-3637.

17-305-042A: DTE River Hill, LLC (P. O. Box 8614, Ann Arbor, MI 48107), owner, and **Covol Fuels** (11778 South Election Drive, Suite 210, Draper, UT 84020), operator, on March 22, 2001, for operation of a coal fines agglomerated pellet drying oven and associated air cleaning device (a fabric collector) as well as a coal crusher and associated air cleaning device (a fabric collector) on a temporary basis until July 20, 2001 in Karthaus Township, **Clearfield County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, William Charlton, New Source Review Chief, (412) 442-4174.

11-498A: Pets After Life Services (316 Allen Street, Portage, PA 15946) on March 23, 2001, for operation of an Animal Crematory at the Crematory in Portage Township, **Cambria County**.

03-026A: Eljer Plumbingware, Inc. (1301 Eljer Way, Ford City, PA 16226) on March 27, 2001, for operation of Tunnel Kiln #1 at Ford City Plant in Burrell Township, **Armstrong County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Devendra Verma, New Source Review Chief, (814) 332-6940.

20-040A: Advanced Cast Products, Inc. (18700 Mill Street, Meadville, PA 16335) on March 30, 2001, for an automatic molding system in Vernon Township, **Crawford County**.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification. Mining activity permits issued in response to such applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Coal Permits Issued

Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209.

17860101, Sky Haven Coal, Inc. (R. D. 1, Box 180, Penfield, PA 15849), renewal of an existing bituminous surface mine permit in Ferguson Township, **Clearfield County** affecting 217 acres. Receiving stream—unnamed tributary to Wilson Run, unnamed tributary to Barrett Run, and Barrett Run. Application received January 22, 2001. Permit issued March 29, 2001.

14980101, Sky Haven Coal, Inc. (R. D. 1, Box 180, Penfield, PA 15849), revision to an existing bituminous surface mine permit for a change in permit acreage from 157.9 to 207.4 acres, located in Snow Shoe Township, **Centre County**. Receiving stream—Sandy Run to the West Branch of the Susquehanna River. Application received August 22, 2000. Permit issued March 27, 2001.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931.

56000104. Mountainside Excavating, Inc. (2692 Salco Road, Berlin, PA 15531), commencement, operation and restoration of a bituminous surface-auger mine in Brothersvalley Township, **Somerset County**, affecting 147.2 acres, receiving stream unnamed tributaries to Tubs Run; Tubs Run. Application received April 25, 2000. Permit issued March 26, 2001.

32950109. Permit Revision, Britt Energies, Inc. (2450 Philadelphia Street, Indiana, PA 15701), to add auger mining to this surface mine in White Township, **Indiana County**, affecting 83.3 acres, receiving stream unnamed tributary to, and, Yellow Creek. Application received January 30, 2001. Permit issued March 30, 2001.

Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669.

24900105. Tamburlin Brothers Coal Co., Inc. (P. O. Box 1419, Clearfield, PA 16830) Renewal of an existing bituminous strip, coal ash placement and shale and sandstone removal operation in Horton Township, **Elk County** affecting 30.0 acres. This renewal is issued for reclamation only. Receiving streams: unnamed tributary to Johnson Run. Application received: January 5, 2001. Permit Issued: March 27, 2001.

24890108. Energy Resources, Inc. (P. O. Box 259, Brockway, PA 15824) Renewal of an existing bituminous

strip and auger operation in Horton Township, **Elk County** affecting 695.0 acres. This renewal is issued for reclamation only. Receiving streams: three unnamed tributaries to Mead Run and Mead Run. Application received: January 25, 2001. Permit Issued: March 21, 2001.

33940105. Original Fuels, Inc. (P. O. Box 343, Punxsutawney, PA 15767) Renewal of an existing bituminous strip operation in Pinecreek Township, **Jefferson County** affecting 118.1 acres. Receiving streams: two unnamed tributaries to Five Mile Run. Application received: January 26, 2001. Permit Issued: March 23, 2001.
Noncoal Permits Issued

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

58010805. Joseph Bowen, (R. R. 4 Box 263, Montrose, PA 18801), commencement, operation and restoration of a bluestone quarry operation in Rush Township, **Susquehanna County** affecting 1.0 acre, receiving stream—none. Permit issued March 28, 2001.

40860301C. Pioneer Aggregates, Inc., (202 Main Street, Laflin, PA 18702), renewal of NPDES Permit #PA0593133 in Newport Township, **Luzerne County**, receiving stream—Newport Creek. Renewal issued March 26, 2001.

Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209.

59000802. Paul T. Hall (R. R. 2, Box 204, Tioga, PA 16946), commencement, operation and restoration of a Small Industrial Minerals (Sand and Gravel) permit in Lawrence Township, **Tioga County** affecting 4.2 acres. Receiving stream—Tioga River, tributary to North Branch Susquehanna River. Application received June 29, 2000. Permit issued March 29, 2001.

Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669.

37950304. Glacial Sand & Gravel Co. (P. O. Box 1022, Kittanning, PA 16201) Renewal of NPDES Permit No. PA0227145, Plain Grove, Scott & Worth Townships, **Lawrence & Butler Counties**. Receiving streams: Slippery Rock Creek, unnamed tributary to Jamison Run and Jamison Run. Application received: January 25, 2001. Permit Issued: March 23, 2001.

General Permit for Short-Term Construction Projects

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

4000GP01. Heavy Media, Inc., (P. O. Box 27, Nanticoke, PA 18634), commencement, operation and restoration of a short-term construction project (Wyoming Valley Levee Raising) in Larksville Borough, **Luzerne County** affecting 5.0 acres, receiving stream—Boston Run Watershed. Permit issued March 23, 2001.

ABANDONED MINE RECLAMATION

Bond	BF 444-101.1
Forfeiture	
Contract	
Awarded	
Location	Highland Township, Clarion County
Description	Abandoned Mine Land Reclamation
Contractor	S. Construction, Inc. Mineral Ridge, OH
Amount	\$30,722.50

Date of	March 29, 2001
Award	Contact: Mary Jane Olsen (717) 783-4800

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval, and requests for Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)).

Except as otherwise noted, the Department certifies that the construction and operation herein described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317), and that the construction will not violate applicable Federal and State Water Quality Standards.

Any person aggrieved by this action may appeal, under Section 4 of the Environmental Hearing Board Act (35 P. S. § 7514), and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 P. S. §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)). (Note: Water Obstruction and Encroachment Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description).

Permits Issued and Actions on 401 Certifications:

WATER OBSTRUCTIONS AND ENCROACHMENTS

Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

EA23-003SE. Cornerstone Communications, Concord Township, **Delaware County**, ACOE Philadelphia District.

An Environmental Assessment for impacts associated with the construction of a nonjurisdictional dam across a narrow section of wetlands (PFO1) which will provide stormwater management for the proposed Smithbridge Apartments Subdivision. The dam and associated components will impact about 0.19 acre of wetlands (PFO1).

The project is situated approximately 500 feet northeast of the intersection of Route 202 and Smith Bridge Road (Wilmington-North, Quadrangle N: 19.70 inches W: 5.60 inches).

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

E45-382. Pinecrest Development Corporation, P. O. Box 760, Pocono Pines, PA 18350. Tobyhanna Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To construct and maintain ten road crossings and four utility line crossings impacting approximately 0.50 acre of wetlands associated with the proposed Wild Pines Golf Course and planned residential development. The permittee is required to provide 0.69 acre of replacement wetlands. The project is located on the south side of S.R. 4004, approximately 1 mile south east of the intersection of S.R. 4004 and S.R. 0940. (Pocono Pines, PA Quadrangle N: 17.3 inches; W: 7.5 inches).

E39-377. Pennsylvania Department of Transportation, Engineering District 5-0, 1713 Lehigh Street, Allentown, PA 18103, Upper Saucon Township, **Lehigh County**, Army Corps of Engineers Philadelphia District.

To remove the existing structure and to construct and maintain a single-span, prestressed concrete spread box beam bridge, having a clear normal span of 50.2 feet (15.3 meters) and an underclearance of 6.3 feet (1.9 meters) across Lower Saucon Creek. The bridge is located along S.R. 2047, Section 02B (Landis Mill Road), approximately 0.4 mile east of the intersection of S.R. 2047 and S.R. 0378 (Allentown East, PA Quadrangle N: 8.3 inches; W: 1.8 inches).

E58-237. Pennsylvania Department of Transportation, District 4-0, P. O. Box 111, Scranton, PA 18501, Middletown Township, Susquehanna County, Army Corps of Engineers Baltimore District.

To remove the existing structure and to construct and maintain a 20.0-foot x 8.0-foot precast reinforced concrete box culvert depressed 1.0-foot along a tributary to the North Branch Wyalusing Creek. The project is located along S.R. 0858 approximately 250 feet south of the intersection of S.R. 0858 and Township Road T-630 (Lawton, PA Quadrangle N: 14.5 inches; W: 14.0 inches).

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

E01-219. Department of Conservation Natural Resources, 435 State Park Road, Schellsburg, PA 15559, ACOE Baltimore District in Menallen Township, **Adams County**.

To remove an existing single span bridge and to construct and maintain a single span aluminum arch culvert having a span of 12.58 feet and a rise of 5.17 feet in Mountain Creek (HQ-CWF) along with excavating the stream banks about 20 feet above and below the culvert and placing R-6 size riprap rock revetment and live stake plantings on both banks for about 7.0 feet upstream and downstream of the proposed culvert located on Huckleberry Trail in Forest District #1, Michaux State Forest (Caledonia Park PA Quadrangle N: 20.1 inches; W: 0.3 inch).

E06-546. Union Township, 177 Center Road, Douglassville, PA 19518, ACOE Philadelphia in Union Township, **Berks County**.

To remove the existing twin 48-inch diameter culvert and construct and maintain a 13-foot by 5-foot concrete

box culvert at the channel of an unnamed tributary to Schuylkill River (WWF) on T-357 (Hallman Road) located about 1 mile southwest of Unionville Village (Pottstown, PA Quadrangle N: 20.5 inches; W: 15.5 inches).

E07-340. Pennsylvania Department of Transportation, Engineering District 9-0, 1620 N. Juniata Street, Hollidaysburg, PA 16648, ACOE Baltimore District in Frankstown Township, **Blair County**.

To construct a 6-inch concrete slab and place original stream bed material on top of slab between the existing abutment of a bridge across the channel of a tributary to New Creek (HQ-CWF) at a point at SR 1016 (Frankstown, PA Quadrangle N: 17.33 inches; W: 9.95 inches).

E22-418. Milton Hershey School, Founders Hall, P. O. Box 830, Hershey, PA 17033, ACOE Baltimore District in Derry Township, **Dauphin County**.

To remove a wooden plank pedestrian bridge and to (1) construct and maintain a twin cell pre-cast concrete box culvert with wingwalls having twin spans of 15.0 feet and rises of 5.5 feet and 5.0 feet with concrete aprons between the wingwalls and a 10-foot long, 43-foot wide, R-6 riprap rock protection at both upstream and downstream ends of the crossing in an unnamed tributary to an unnamed tributary to Spring Creek (WWF); an 8-inch diameter ductile waterline, encased in concrete, will be installed at the upstream end of the crossing and the construction of the bridge will require excavation of about 90 feet of stream channel and bank area (Hershey, PA Quadrangle N: 15.5 inches; W: 1.5 inches); (2) construct and maintain a twin cell pre-cast concrete box culvert having twin spans of 17.0 feet and rises of 6.0 feet and 6.6 feet in an unnamed tributary to Spring Creek (WWF) along with an 8-inch diameter ductile iron pipe waterline, encased in concrete, and a 2-inch diameter natural gas line, installed below the streambed at the inlet end of the culvert, and placement of a 10-foot length of R-6 size riprap rock protection at both inlet and outlet ends of the culvert; the construction of the culvert will require excavation of about 113 feet of stream channel and bank area (Palmyra, PA Quadrangle N: 3.2 inches; W: 16.0 inches); and, (3) construct and maintain two single span aluminum box culverts having spans of 10.92 feet and rises of 4.25 feet, within 1,400 feet of each other, along with R-6 size riprap rock protection at outlet and R-5 size riprap rock protection at the inlet end of the culverts located in an unnamed tributary to an unnamed tributary to Spring Creek (WWF); an 8-inch diameter ductile iron water main, a 2-inch diameter natural gas line will be installed under the streambed at both of these crossings; all associated with the construction of the Milton Hershey School, Student Housing Expansion and Campus Consolidation Project located on both north and south sides of SR 0322 and on the east side of Homestead Road (Hershey, PA Quadrangle N: 6.1 inches; W: 0.1 inch and Palmyra, PA Quadrangle N: 6.3 inches; W: 16.9 inches).

E44-087. Menno Township, 1100 SR 655, Belleville, PA 17004, ACOE Baltimore District in Menno Township, **Mifflin County**.

To remove an existing culvert and to construct and maintain a 55-inch by 73-inch elliptical corrugated metal pipe culvert in an unnamed tributary to Saddler Creek (TSF) and to place R-5 riprap in the channel at the culvert outlet located at Mill Road about 0.4 mile northwest of its intersection with SR 0655 (Allensville, PA Quadrangle N: 7.05 inches; W: 10.2 inches).

E67-693. Princess Street, Incorporated, 458 W. Market Street, York, PA 17404, ACOE Baltimore District in Spring Garden Township, **York County**.

To construct and maintain a 43-foot long by 15-foot wide wooden deck for an outdoor dining area and an arched wooden pedestrian bridge having a span of 40 feet and an underclearance of 6 feet across Tyler Run (WWF). The purpose of the bridge is for access to a parking area located at the rear of the Cove Restaurant along South George Street (York, PA Quadrangle N: 11.0 inches; W: 12.7 inches).

E67-695. Pennsylvania Department of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103, ACOE Baltimore District in West Manchester and Dover Townships, **York County**.

To (1) remove an existing culvert and to construct and maintain a 54-foot long reinforced concrete box culvert having a span of 7.0 feet and a rise of 5.0 feet in Honey Creek (TSF) on Emigs Mill Road (SR 4003); (2) extend an existing single span bridge having a clear span of 22.25 feet and an underclearance of about 9.0 feet over Honey Creek by 11.0 feet at its inlet on the south side of East Berlin Road (SR 0234); (3) place R-5 riprap revetment at the bridge's inlet abutment walls; and, (4) construct a temporary stream diversion and sandbag cofferdam to facilitate the construction of the culvert and bridge for the purpose of handling the increased traffic from the West Manchester Corporate Center located near the intersection of SR 4003 and SR 0234 (West York, PA Quadrangle N: 12.4 inches; W: 11.0 inches; and N: 12.8 inches; W: 10.9 inches respectively).

E36-695. East Hempfield Township, 1700 Nissley Road, P. O. Box 128, Landisville, PA 17538, ACOE Baltimore District in East Hempfield Township, **Lancaster County**.

To construct and maintain a 72-inch diameter by 160 feet stream enclosure at the channel of an unnamed tributary to Little Conestoga Creek (WWF) and to fill in 0.57 acre of associated wetlands in order to construct Good Drive located just upstream of US 30 about 1,900 feet east of the US 30 and PA 741 interchange (Lancaster, PA Quadrangle N: 11.3 inches; W: 14.5 inches). The applicant is required to provide 0.57 acre of replacement wetlands.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.

E18-311. Joseph E. Haagen, R. R. 1, Box 172, Beech Creek, PA 16822. Private Bridge, in Beech Creek Township, **Clinton County**, ACOE Baltimore District (Beech Creek, PA Quadrangle N: 18.1 inches; W: 5.7 inches).

To maintain a single span bridge structure with a span of 32 feet and an underclearance of 5 feet. This structure is located over Masden Run and 0.7 mile on Masden Run Road from its intersection with SR 150 (Beech Creek, PA Quadrangle, N: 18.1 inches, W: 5.7 inches) Beech Creek Township, Clinton County. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E02-1332. Pennsylvania Department of Transportation, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017. City of Pittsburgh, **Allegheny County**, ACOE Pittsburgh District.

To rehabilitate and maintain the Fort Pitt Bridge having a total span of approximately 800.0 feet with an underclearance of 47.0 feet across the Monongahela River (WWF), to reconstruct and maintain the eastbound and westbound ramps of S.R. 0376 including the support piers on the Mon Wharf Parking Area and the viaduct to the Smithfield Street Bridge, to repair and maintain the north river wall in the floodplain and on the right bank of said stream and to install and maintain riprap stabilization along the southern shore and embankment of said stream for the purpose of improving highway safety. The project is located on S.R. 279, Section A06, approximately 1,300 feet upstream from the mouth of said stream (Pittsburgh West, PA Quadrangle N: 11.6 inches; W: 1.5 inches).

E56-296. New Enterprise Stone & Lime Company, Inc., Somerset Plant Extension Project, P. O. Box 77, New Enterprise, PA 16664. Somerset Township, **Somerset County**, ACOE Pittsburgh District.

To place and maintain fill in approximately 0.48 acre of wetland for the purpose of constructing a concrete mix plant. The project is located near the headwaters of Kimberly Run, adjacent to T-546, near its intersection with PA Turnpike (Murdoch, Pennsylvania Quadrangle N: 20.00 inches; W: 3.00 inches). The applicant proposes to construct 6.15 acres of replacement wetland.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

E25-625. Department of Transportation, District 1-0, 255 Elm Street, Oil City, PA 16323. S.R. 0089, Section 00B Across Hubbel Run, in Amity Township, **Erie County**, ACOE Pittsburgh District (Union City, PA Quadrangle N: 17.7 inches; W: 3.3 inches).

To place concrete stream bed paving 1.0-foot below the existing stream bed and maintain the reinforced concrete slab bridge having a span of 13.5 feet and an underclearance of 6.4 feet in a tributary to Hubbel Run on S.R. 0089, Section 00B, Segment 0250, Offset 0281 approximately 2.6 miles south of S.R. 8.

E25-629. Springfield Township, 13300 Ridge Road, Box 274, West Springfield, PA 16443. McKee Road Bridge Across Conneaut Creek, in Springfield Township, **Erie County**, ACOE Pittsburgh District (East Springfield, PA Quadrangle N: 8.2 inches; W: 7.6 inches).

To remove the existing abutments and to construct and maintain a timber covered bridge having a clear, normal span of 83.5 feet and an average underclearance of 16 feet across Conneaut Creek on McKee Road (T-338) approximately 0.7 mile north of Cherry Hill Road.

E62-374. Shetler Lumber Company, Inc., 2850 Route 6, Waterford, PA 16441. Shetler Lumber Company Bridge Across Spring Creek, in Spring Creek Township, **Warren County**, ACOE Pittsburgh District (Spring Creek, PA Quadrangle N: 19.0 inches; W: 7.1 inches).

To operate and maintain a private bridge having a structure length of 50 feet and an underclearance of approximately 4 feet across Spring Creek on a private driveway south of S.R. 3010 approximately 0.2 mile east of S.R. 3001 (Oil Creek Road). This bridge was installed under BDWW-GP-8, Temporary Road Crossings, No. GP086299620.

E62-375. Department of Transportation, District 1-0, 255 Elm Street, Oil City, PA 16323. S.R. 3022 Section B01 Segment 0110 Offset 0216 Across Brokenstraw Creek, in Youngsville Borough, **Warren County**, ACOE Pittsburgh District (Oil City, PA Quadrangle N: 4.68 inches; W: 14.43 inches).

To replace the superstructure, rehabilitate the pier and abutments by facing them with concrete and maintain a prestressed concrete spread box beam bridge having two clear spans of 74 feet and an average underclearance of 13.8 feet across Brokenstraw Creek on S.R. 3022, Section B01, Segment 0110, Offset 0216 in Youngsville Borough.

SPECIAL NOTICES

Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of March 2001, the Department of Environmental Protection, under the authority contained

in the Radon Certification Act (63 P.S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed to perform radon-related activities in Pennsylvania. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800)-23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
James Andrews	353 Loveville Road Warriors Mark, PA 16877	Mitigation
Alan Aulson The Aulson Company, Inc.	49 Danton Drive Methuen, MA 01844	Testing
Willis Bortmas Keystone Building Inspectors	370 Red Dog Road Butler, PA 16001	Mitigation
Jeffery Calta	106 Vensel Lane Chicora, PA 16025	Mitigation
Keith Carpenter	117 Stonybrook Lane Johnstown, PA 15904	Testing
Scott Hagan	78 Hamilton Drive Abbottstown, PA 17301	Testing
George Hart	21 Deerfield Drive Pequea, PA 17565	Testing
James Hetrick	766 Magaro Road Enola, PA 17025	Mitigation
Robert Hoffman	218-D West Main Street Leola, PA 17540	Mitigation
John Jenkins, Jr.	37 North Washington Road Wilkes-Barre, PA 18701	Testing
Ludwig Kubli, Jr.	1090 Aerie Drive North Huntingdon, PA 15642	Testing
Thomas Laurito	6006 Forest Drive Monaca, PA 15061	Testing
George Loudon, Jr.	4694 Lower Cherry Valley Road Stroudsburg, PA 18360	Testing
Tuan Nguyen American Radon Solutions	125 Brindle Road Mechanicsburg, PA 17055	Mitigation
Michael Nowicki	414 Manordale Road Pittsburgh, PA 15241	Mitigation
Frederick Reash, Jr.	505 North Broad Street Grove City, PA 16127	Testing
Keith Rutherford	5701 Cricket Lane Harrisburg, PA 17112	Testing
Scott Shenk	3024 Gloucester Street Lancaster, PA 17601	Testing
Chris Willig	675 Estelle Drive Lancaster, PA 17601	Testing

Notice of Permit Transfers for Facilities

The Department of Environmental Protection has transferred all permits, licenses and approvals for the following facilities. All permits, licenses and approvals previously issued to PECO Energy Company, or its prede-

cessors in interest, at the following facilities have been transferred to Exelon Generation Company, LLC. A complete listing of the permits, licenses and approvals transferred by facility follows. A list of specific permits, licenses and approvals involved in the transfer is also

available on the web at www.dep.state.pa.us (directLINK "PECO permit transfers"). Questions may also be directed to John Kennedy at DEP's Southeast Regional Office at (610) 832-6012.

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), to the Environmental Hearing Board (Board), Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact

the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of its self, create any right of appeal beyond that permitted by applicable statutes and decisional law.

<i>Facility</i>	<i>Municipality</i>	<i>County</i>
Barbadoes Island	W. Norriton	Montgomery
Bradshaw	Bedminster	Bucks
Perkiomen Creek Intake Structure	Bedminster	Bucks
Chester Generating Station	Chester	Delaware
Conowingo Generating Station	Darlington	Harford
Cromby Generating Station	E. Pikeland	Chester
Croydon Generating Station	Bristol	Bucks
Delaware Generating Station	Philadelphia	Philadelphia
Eddystone Generating Station	Eddystone	Delaware
Fairless Hills Steam Generating Station	Falls	Bucks
Limerick Generating Station	Limerick	Montgomery
Pottstown—Limerick Airport	Limerick	Montgomery
Falls Unit Substation	Falls	Bucks
Moser Unit Substation	Lower Pottsgrove	Montgomery
Muddy Run Recreation Park	Holtwood	Lancaster
Muddy Run Pumped Storage Facility	Drumore	Lancaster
Peach Bottom Atomic Power Station	Peach Bottom	York
Pennsbury Power Station	Falls	Bucks
Richmond Generating Station	Philadelphia	Philadelphia
Schuylkill Generating Station	Philadelphia	Philadelphia

[Pa.B. Doc. No. 01-645. Filed for public inspection April 13, 2001, 9:00 a.m.]

Stream Redesignation Evaluations; Water Quality Standards Review

Under 25 Pa. Code § 93.4d (relating to public notice of receipt of evaluation or assessment of waters for High Quality (HQ) or Exceptional Value (EV) Waters redesignation) the Department of Environmental Protection (Department) hereby gives notice that evaluations of all or portions of the streams listed are being conducted. The particular segments to be evaluated are described following the table. Stream evaluations for designated uses other than HQ or EV are also listed. Persons who have technical data concerning the water quality, instream habitat or biological condition of these waters are encouraged to make it available to the Department for consideration in the assessments. These assessments may lead to recommendations to the Environmental Quality Board for redesignation.

Data should be submitted to Robert F. Frey, Division of Water Quality Assessment and Standards, Bureau of

Water Supply and Wastewater Management, P. O. Box 8555, Harrisburg, PA 17105-8555, e-mail rofrey@state.pa.us. Data should be submitted no later than May 14, 2001. Questions concerning these evaluations can be directed to Robert Frey at (717) 787-9637.

<i>Stream Name</i>	<i>County</i>	<i>Tributary To</i>	<i>HQ/EV</i>
Clarion River	Clarion	Allegheny River	
Fishing Creek Tributaries	Clinton	Bald Eagle Creek	X
Indian Creek	Fayette	Youghiogheny River	
Indian Spring Run	Chester/Lancaster	Pequea Creek	X
Maiden Creek Tributaries	Lehigh/Berks	Maiden Creek	X

The Clarion River segment to be evaluated is from the Piney Reservoir to the mouth. This reach is currently designated Cold Water Fishes (CWF) and will be evaluated to determine the proper use designation.

The Fishing Creek tributaries that will be evaluated include: Mill Creek, Bull Run, Bear Run, Little Fishing Creek, Roaring Run, Cedar Run and Long Run.

The portion of Indian Creek from the confluence of Champion Creek to the mouth is not currently listed in the water quality standards (Chapter 93 of the Department's Rules and Regulations). This segment will be evaluated to determine the proper use designation.

The Indian Spring Run basin is currently designated CWF. It is being evaluated for redesignation to High Quality (HQ) or Exceptional Value (EV) Waters.

The Maiden Creek tributaries being evaluated include: Maiden Creek headwaters, also known as Ontelaunee Creek, in Lehigh County, School Creek, Stony Run, Pine Creek, Furnace Creek, Sacony Creek and Moselem Creek.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Robert Frey directly at (717) 787-9637 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

DAVID E. HESS,
Acting Secretary

[Pa.B. Doc. No. 01-646. Filed for public inspection April 13, 2001, 9:00 a.m.]

Water Resources Forums; Announcement of Three Additional Forums

The Department of Environmental Protection (DEP), in partnership with the Governor's Center for Local Government Services of the Department of Community and Economic Development, the Department of Conservation and Natural Resources and the Department of Agriculture, announced in the March 24, 2001, *Pennsylvania Bulletin* that 12 public forums have been scheduled to collect public input on Pennsylvania's current and future water resource needs. Three additional forums have been added in Pittsburgh, Philadelphia and Lancaster, bringing the total number of Statewide forums to 15. The complete list of forums is included in this notice.

The forums are an opportunity for the State to hear what Pennsylvanians have to say about water resource issues. In an effort to promote and focus discussion, two questions have been developed that will be presented to the attendees:

- What one water resource need or issue do you feel needs greatest attention in your community?
- What tools do we need to help ensure adequate water supplies in Pennsylvania?

The forums will begin at 7 p.m. There will also be water resource related state agency exhibits and information on display from 6 p.m. to 7 p.m. There is no cost to attend the forums and registration is not required. For additional information, contact:

Kimberly Chism, DEP Office of Water Management, Rachel Carson State Office Building, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 772-5807 or visit the DEP website at www.dep.state.pa.us (directLINK "Water Forums").

Water Resources Forums

April 16—Bucks County
Holiday Inn Northwest
3499 Street Road
Bensalem, PA 19020

April 17—Lehigh County
Days Inn Conference Center
1151 Bull Dog Drive
Allentown, PA 18104

April 23—Dauphin County
DEP
400 Market Street
2nd Floor Main Auditorium
Harrisburg, PA 17101

April 24—Luzerne County
Holiday Inn
880 Kidder Street
Wilkes-Barre, PA 18702

April 26—Centre County
State College Inn
1663 South Atherton Street
State College, PA 16801

May 1—Lycoming County
Genetti Hotel
200 West Fourth Street
Williamsport, PA 17701

May 3—Chester County
Best Western Hotel Conference Center
815 North Pottstown Pike
Exton, PA 19341

May 16—Butler County
Days Inn Conference Center
139 Pittsburgh Road
Butler, PA 16001

May 17—Westmoreland County
Greensburg Garden & Civic Center
951 Old Salem Road
Greensburg, PA 15601

May 21—Bedford County
Arena Hotel
4407 Business Route 220 North
PO Box 171
Bedford, PA 15522

May 23—Erie County
Ramada Inn
401 West Plum Street
Edinboro, PA 16412

May 24—Clearfield County
Holiday Inn
U.S. Route 219 & I 80
DuBois, PA 15801

May 30—Allegheny County
Ramada Plaza Suites
Conference Center
1 Bigelow Square
Pittsburgh, PA 15219

May 31—Philadelphia County
Hampton Inn
1300 Race Street
Philadelphia, PA 19107

June 4—Lancaster County
Quality Inn & Suites
2363 Oregon Pike
Lancaster, PA 17601

DAVID E. HESS,
Acting Secretary

[Pa.B. Doc. No. 01-647. Filed for public inspection April 13, 2001, 9:00 a.m.]

DEPARTMENT OF HEALTH

Division of Women, Infants and Children; Public Meeting

In accordance with 7 CFR 246.4(6), the Department of Health (Department) will hold a public meeting on Thursday, May 10, 2001 from 10 a.m. until 3 p.m. at the Department of Health, Room 610 Health and Welfare Building, Commonwealth and Forster Street, Harrisburg, PA.

The purpose of the meeting is to obtain comments and recommendations for the development of the 2002 State Plan of Program Operation and Administration for the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) in Pennsylvania. The Department invites comments on all aspects of the Program's Operations. General comments on other issues pertinent to the Program are also requested.

Persons wishing to give testimony at this meeting are requested to pre-register with the State WIC Program office by calling (717) 783-1289. Persons unable to attend the meeting, but wishing to express their views, may submit written comments by May 31, 2001, to the Department of Health, Division of Women, Infants and Children (WIC), Planning and Review Section, P. O. Box 90, Harrisburg, PA 17108.

Persons with a disability who wish to attend the meeting, submit comments or give testimony at this meeting, and require an auxiliary aid service or other accommodation to do so, should contact Bonnie Mellott at (717) 783-1289; V/TT: (717) 783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 01-648. Filed for public inspection April 13, 2001, 9:00 a.m.]

Division of Women, Infants and Children; Public Meeting

In accordance with 7 CFR 246.4(6), the Department of Health (Department) will hold a public meeting on Thursday, May 17, 2001 from 10 a.m. until 3 p.m. at the Allegheny County Health Department Investment Building, 239 Fourth Avenue, Pittsburgh, PA.

The purpose of the meeting is to obtain comments and recommendations for the development of the 2002 State

Plan of Program Operation and Administration for the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) in Pennsylvania. The Department invites comments on all aspects of the Program's Operations. General comments on other issues pertinent to the Program are also requested.

Persons wishing to give testimony at this meeting are requested to preregister with the State WIC Program office by calling (717) 783-1289. Persons unable to attend the meeting, but wishing to express their views, may submit written comments by May 31, 2001, to the Department of Health, Division of Women, Infants and Children (WIC), Planning and Review Section, P. O. Box 90, Harrisburg, PA 17108.

Persons with a disability who wish to attend the meeting, submit comments or give testimony at this meeting, and require an auxiliary aid service or other accommodation to do so, should contact Bonnie Mellott at (717) 783-1289; V/TT: (717) 783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 01-649. Filed for public inspection April 13, 2001, 9:00 a.m.]

Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee; Public Meetings

The Statewide HIV Community Prevention Planning Committee, established by the Department of Health under sections 301 and 317 of the Public Health Service Act (42 U.S.C.A § 241(a) and 247(b)), will hold public meetings on Wednesday, May 16, and Thursday, May 17, 2001.

The meetings will be held at the Best Western Inn and Suites, 815 Eisenhower Boulevard, Middletown, PA 17057, from 9 a.m. to 3 p.m.

For additional information please contact Thomas M. DeMelfi, Department of Health, Bureau of Communicable Diseases, P. O. Box 90, Room 1010 Health and Welfare Building, Harrisburg, PA 17108, (717) 783-0572.

Persons with a disability who desire to attend the meetings and require an auxiliary aid service or other accommodation to do so, should also contact Thomas DeMelfi at (717) 783-0572 or at V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT & T Relay Services at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 01-650. Filed for public inspection April 13, 2001, 9:00 a.m.]

Renal Disease Advisory Committee Meeting

The Renal Disease Advisory Committee, established by section 4 of the act of June 23, 1970 (P. L. 419, No. 140) (35 P. S. § 6204) will hold a public meeting on April 20, 2001.

The meeting will be held in Conference Room C, 2635 Paxton Street, Harrisburg, PA, from 10 a.m. to 3 p.m.

For additional information, contact Jane E. Wolfe, Director, Chronic Renal Disease Program, Division of Special Health Care Programs at (717) 787-9772.

Persons with a disability who desire to attend the meeting and require auxiliary aid, service or other accommodation to do so, should contact the Chronic Renal Disease Program at (717) 787-9772.

V/TT (717) 783-6514 for speech and/or hearing impaired

persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 01-651. Filed for public inspection April 13, 2001, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Range of Fees Charged by Utilization Review Organizations and Peer Review Organizations for Services Performed under the Workers' Compensation Act

Under 34 Pa. Code § 127.667(b) (relating to compensation policy) the Department of Labor and Industry, Bureau of Workers' Compensation hereby gives notice of the range of fees charged by Utilization Review Organizations (UROs) and Peer Review Organizations (PROs) for services performed under the Workers' Compensation Act during 2000.

JOHNNY J. BUTLER,
Secretary

<i>URO/PRO</i>	<i>Range of Fees</i>	
	<i>Min. \$</i>	<i>Max. \$</i>
Adams Chiropractic PC d/b/a A & A Reviews	\$175.00	\$1,270.00
A. E. Maxwell Associates	185.00	625.00
Action Review Group, Inc.	157.50	702.50
Advanced Rehabilitation Management, Inc	200.00	960.20
Alico Services, LTD	270.86	600.00
Alpha Review	275.00	904.67
Atlantic Medical Review Co., Inc.	227.87	950.91
C.A.B. Medical Consultants	100.00	665.00
Caduceus Review, Inc.	252.28	1,099.29
Caduceus-Lex Medical Auditing, Inc.	264.90	657.13
CEC Associates, Inc.	144.58	570.00
CEC, Inc.	150.00	650.00
Chiro-Med Review Company	200.00	650.00
Concentra Medical Examinations	143.00	517.40
Consolidated Service Group, Inc. d/b/a Consolidated Rehabilitation Company	200.00	717.38
Corvel Corporation	141.36	950.96
Crawford Care Managment Services c/o Crawford & Company	158.33	948.12
Delaware Valley Peer Review Organization	130.38	909.23
Francene Tearpock-Martini & Associates., Inc.	600.00	600.00
Hajduk & Associates	100.00	566.10
Health Care Dimensions, Inc.	464.35	889.02
Hoover Rehabilitation Services, Inc.	113.28	931.48
IMX Medical Management Services, Inc.	188.43	700.89
Industrial Rehabilitation Associates c/o RJP Enterprises, Inc.	125.85	650.00
Kenneth Frank Enterprises	250.00	680.00
Keystone Peer Review Organization, Inc.	200.00	750.00
Laurel Rehabilitation Services, Inc.	162.50	900.00
LRC Disability Management Consultants	44.80	1,304.21
Medical Evaluation Specialists	125.00	905.38
Medical Review Associates	225.00	700.00
Medical Service & Evaluation Company	200.00	800.00
Orland Corporation d/b/a WRS	120.62	1,053.75
Peer, Inc.	150.00	650.00
Penn Executive Diagnostic Center, Inc.	100.00	850.00
Perspective Consulting, Inc.	150.00	550.00
Polombo Consulting & Review	150.00	655.00
Proclaim Review Company	625.70	844.60
QRS Managed Care Services	100.00	775.00
Quality Assurance Reviews	150.00	700.00
Reasonable Insurance Consultations Evaluations	180.32	975.39
Rehabilitation Planning, Inc.	150.00	600.00
Solomon Associates, Inc.	200.00	700.00
T & G Reviews, Inc.	175.00	695.00
The PT Group	150.00	798.00
Tom Sawchaks, Inc. Action of Pennsylvania	250.00	870.00
Tri-State IME, Inc.	125.00	893.82

URO/PRO

Tri-State Rehabilitation Group, Inc.
 TxReviews, Inc.
 U. S. Medical Review, Inc.
 Unimed/United Medical Associates
 West Penn IME, Inc.
 WMR Resources, Inc.
 Workwell Physical Medicine, Inc.
 Zabinski Robert C., D.C.

<i>Range of Fees</i>	
<i>Min. \$</i>	<i>Max. \$</i>
267.66	832.12
200.00	574.69
175.00	725.00
200.00	775.00
370.00	755.00
225.00	695.00
75.00	600.00
75.00	750.00

[Pa.B. Doc. No. 01-652. Filed for public inspection April 13, 2001, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Notice of Roundtable Discussions

The Department of Public Welfare (Department), in conjunction with the Department of Community and Economic Development (DCED) and the Pennsylvania Housing Finance Agency (PHFA), is announcing that it will host five regional roundtable meetings to discuss the housing initiative (Housing Initiative) proposed in the Governor's 2001-2002 budget.

The proposed Housing Initiative earmarks \$60 million of Temporary Assistance for Needy Families (TANF) funds to create housing opportunities for low-income families. The Department, DCED and PHFA are collaborating in the development of this multifaceted program.

The public is welcome to attend the roundtable discussions scheduled as follows. After discussion of issues and possible program ideas among the invited roundtable participants, public comments will be accepted as time permits.

The meeting schedule is as follows:

Northwest

April 26, 2001
 9 a.m.—12 noon
 Gannon University
 1200 Palumbo Academic Center
 West 9th & Peach Streets
 Erie, PA 16541

Southwest

April 27, 2001
 9 a.m.—12 noon
 Community College of Allegheny County
 Boyce Campus—Room N-106
 595 Beatty Road
 Monroeville, PA 15146

Northeast

May 1, 2001
 9 a.m.—12 noon
 Lackawanna Junior College
 Multipurpose Room
 501 Vine Street
 Scranton, PA 18509

Southeast

May 2, 2001
 9 a.m.—12 noon
 Norristown State Hospital
 Multipurpose Room—Bldg. 33
 1001 Sterigere Street
 Norristown, PA 19401

Central

May 3, 2001
 9 a.m.—12 noon
 Dixon University Center
 Administration Conference Room A/B
 2986 N. Second Street
 Harrisburg, PA 17110

Persons who wish to attend and present comments at any of the public roundtable discussions are requested to advise the Department at the following address in writing or by calling at least 3 days prior to the meeting.

Please contact: Rose M. Samuel, Department of Public Welfare, Office of the Secretary, P. O. Box 2675, Harrisburg, PA 17105-2675, (717) 783-0628, Fax: (717) 772-2062, e-mail: RoseS@dpw.state.pa.us.

Persons who require an auxiliary aide service or other accommodation to attend the meeting or provide comment should contact Rose Samuel. Persons with a disability may use that AT&T Relay Service by calling (800) 651-5984 (TDD users) or (800) 654-5988 (voice users). In the event an individual is unable to attend one of the meetings, the individual is invited to submit written comment to the Department of Public Welfare as previously directed.

FEATHER O. HOUSTOUN,
Secretary

[Pa.B. Doc. No. 01-653. Filed for public inspection April 13, 2001, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Happy Birthday To You

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314), and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Happy Birthday To You.

2. *Price:* The price of a Pennsylvania Happy Birthday To You instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania Happy Birthday To You instant lottery game ticket will contain one play area and one "Bonus" balloon area. The play symbols and their captions located in the play area are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV

DOL), \$10⁰⁰ (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY), \$30\$ (THIRTY), \$40\$ (FORTY), \$60\$ (SIXTY), \$70\$ (SEVENTY), \$80\$ (EIGHTY) and \$500 (FIV HUN). The play symbols and their captions located in the "Bonus" balloon area are: Bow Symbol (BOW) and TRY AGAIN.

4. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$4, \$5, \$10, \$15, \$20, \$30, \$40, \$60, \$70, \$80 and \$500. The player can win up to two times on a ticket.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 10,080,000 tickets will be printed for the Pennsylvania Happy Birthday To You instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets with three matching play symbols of \$500 (FIV HUN) in the play area on a single ticket, shall be entitled to a prize of \$500.

(b) Holders of tickets with three matching play symbols of \$80\$ (EIGHTY) in the play area on a single ticket, shall be entitled to a prize of \$80.

(c) Holders of tickets with three matching play symbols of \$70\$ (SEVENTY) in the play area on a single ticket, shall be entitled to a prize of \$70.

(d) Holders of tickets with three matching play symbols of \$60\$ (SIXTY) in the play area on a single ticket, shall be entitled to a prize of \$60.

(e) Holders of tickets with three matching play symbols of \$40\$ (FORTY) in the play area on a single ticket, shall be entitled to a prize of \$40.

(f) Holders of tickets with three matching play symbols of \$30\$ (THIRTY) in the play area on a single ticket, shall be entitled to a prize of \$30.

(g) Holders of tickets with three matching play symbols of \$20\$ (TWENTY) in the play area on a single ticket, shall be entitled to a prize of \$20.

(h) Holders of tickets with three matching play symbols of \$15\$ (FIFTN) in the play area on a single ticket, shall be entitled to a prize of \$15.

(i) Holders of tickets with three matching play symbols of \$10⁰⁰ (TEN DOL) in the play area on a single ticket, shall be entitled to a prize of \$10.

(j) Holders of tickets with a Bow Symbol (BOW) play symbol in the "Bonus" balloon area, on a single ticket, shall be entitled to a prize of \$5.

(k) Holders of tickets with three matching play symbols of \$5⁰⁰ (FIV DOL) in the play area on a single ticket, shall be entitled to a prize of \$5.

(l) Holders of tickets with three matching play symbols of \$4⁰⁰ (FOR DOL) in the play area on a single ticket, shall be entitled to a prize of \$4.

(m) Holders of tickets with three matching play symbols of \$2⁰⁰ (TWO DOL) in the play area on a single ticket, shall be entitled to a prize of \$2.

(n) Holders of tickets with three matching play symbols of \$1⁰⁰ (ONE DOL) in the play area on a single ticket, shall be entitled to a prize of \$1.

7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Get 3 Like Dollar Amounts, Win With Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 10,080,000 Tickets</i>
\$1	\$1	1:7.06	1,428,000
\$2	\$2	1:15	672,000
\$4	\$4	1:150	67,200
\$5	\$5	1:300	33,600
BOW	\$5	1:37.50	268,800
\$10	\$10	1:300	33,600
\$5 + BOW	\$10	1:200	50,400
\$15	\$15	1:3,000	3,360
\$10 + BOW	\$15	1:750	13,440
\$20	\$20	1:1,500	6,720
\$20 + BOW	\$25	1:4,068	2,478
\$30	\$30	1:24,000	420
\$30 + BOW	\$35	1:24,000	420
\$40	\$40	1:24,000	420
\$60	\$60	1:24,000	420
\$70	\$70	1:24,000	420
\$80	\$80	1:24,000	420
\$500	\$500	1:80,000	126
BOW = Win \$5 Instantly			

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Happy Birthday To You instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Happy Birthday To You, prize money from winning Pennsylvania Happy Birthday To You instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Happy Birthday To You instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Happy Birthday To You or through normal communications methods.

LARRY P. WILLIAMS,
Secretary

[Pa.B. Doc. No. 01-654. Filed for public inspection April 13, 2001, 9:00 a.m.]

Pennsylvania Krazy 8's

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Krazy 8's.

2. *Price:* The price of a Pennsylvania Krazy 8's instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania Krazy 8's instant lottery game ticket will contain four play areas known as "Game 1," "Game 2," "Game 3" and "Game 4." Each game is played separately. The play symbols and their captions located in the four play areas are: 1 (ONE), 2 (TWO), 3 (THR), 4 (FOR), 5 (FIV), 6 (SIX), 7 (SVN), 8 (EGT) and 9 (NIN).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the four "Prize" areas are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$8⁰⁰ (EGT DOL), \$16\$ (SIXTN), \$32\$ (TRY TWO), \$64\$ (SXTY FOR), \$88\$ (ETY EGT), \$188\$ (HNETYEGT) and \$8,888\$ (ETHEHEYET).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$4, \$8, \$16, \$32, \$64, \$88, \$188 and \$8,888. The player can win up to four times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 12,960,000 tickets will be printed for the Pennsylvania Krazy 8's instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with a play symbol of 8 (EGT) in any "Game," and a prize play symbol of \$8,888 (ETHEHEYET) appearing in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$8,888.

(b) Holders of tickets with a play symbol of 8 (EGT) in any "Game," and a prize play symbol of \$188\$ (HNETYEGT) appearing in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$188.

(c) Holders of tickets with a play symbol of 8 (EGT) in any "Game," and a prize play symbol of \$88\$ (ETY EGT) appearing in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$88.

(d) Holders of tickets with a play symbol of 8 (EGT) in any "Game," and a prize play symbol of \$64\$ (SXTY FOR) appearing in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$64.

(e) Holders of tickets with a play symbol of 8 (EGT) in any "Game," and a prize play symbol of \$32\$ (TRY TWO) appearing in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$32.

(f) Holders of tickets with a play symbol of 8 (EGT) in any "Game," and a prize play symbol of \$16\$ (SIXTN) appearing in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$16.

(g) Holders of tickets with a play symbol of 8 (EGT) in any "Game," and a prize play symbol of \$8⁰⁰ (EGT DOL) appearing in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$8.

(h) Holders of tickets with a play symbol of 8 (EGT) in any "Game," and a prize play symbol of \$4⁰⁰ (FOR DOL) appearing in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$4.

(i) Holders of tickets with a play symbol of 8 (EGT) in any "Game," and a prize play symbol of \$2⁰⁰ (TWO DOL)

appearing in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$2.

(j) Holders of tickets with a play symbol of 8 (EGT) in any "Game," and a prize play symbol of \$1⁰⁰ (ONE DOL) appearing in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Get</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 12,960,000 Tickets</i>
\$1	\$1	1:10	1,296,000
\$1 x 2	\$2	1:21.43	604,800
\$2	\$2	1:42.86	302,400
\$1 x 4	\$4	1:150	86,400
\$4 x 2	\$8	1:75	172,800
\$8	\$8	1:100	129,600
\$8 x 2	\$16	1:300	43,200
\$16	\$16	1:300	43,200
\$8 x 4	\$32	1:9,600	1,350
\$16 x 2	\$32	1:16,000	810
\$32	\$32	1:24,000	540
\$16 x 4	\$64	1:12,000	1,080
\$32 x 2	\$64	1:24,000	540
\$64	\$64	1:60,000	216
\$88	\$88	1:13,333	972
\$188	\$188	1:30,000	432
\$8,888	\$8,888	1:864,000	15

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Krazy 8's instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Krazy 8's, prize money from winning Pennsylvania Krazy 8's instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Krazy 8's instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Krazy 8's or through normal communications methods.

LARRY P. WILLIAMS,
Secretary

[Pa.B. Doc. No. 01-655. Filed for public inspection April 13, 2001, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Borough of Hanover v. DEP; EHB Doc. No. 2001-070-K

The Borough of Hanover has appealed the issuance by the Department of Environmental Protection of an NPDES permit to same for a facility in Conewago Township, Adams County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.62. Copies of the Board's rules of practice and procedure are available upon request from the Board.

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 01-656. Filed for public inspection April 13, 2001, 9:00 a.m.]

HUMAN RELATIONS COMMISSION

Public Hearing Opinions

The Human Relations Commission, under section 7(o) of the Pennsylvania Human Relations Act (43 P.S. § 957(o)) (act) hereby announces the publication of the Findings of Fact, Conclusions of Law, Opinion and Final Order made after public hearings held under section 9(e)—(g) of the act, in the following cases:

Ronald Bigger, Sr. v. Kimberly-Clark Corporation; Doc. No. E68573D; (Pennsylvania Human Relations Commission, March 27, 2001)

- Race-based unequal employment conditions; Ruling for Complainant, 8-0 decision; 50 pages.

Darlene Sweigart v. Bruce and Patricia Nicholl; Doc. No. H7407; (Pennsylvania Human Relations Commission, March 27, 2001)

- Familial status, refusal to rent; Ruling for Complainant, 8-0 decision; 13 pages.

Ronald J. McNiel v. Fuller Company; Doc. Nos. E90572D and E92059D; (Pennsylvania Human Relations Commission, March 26, 2001)

- Race-based harassment and retaliation case on damages; Ruling for Complainant, 8-0 decision; 18 pages.

The final orders in the above-listed cases are subject to appeal to Commonwealth Court, and if appealed are subject to being affirmed, reversed or modified, in whole or part.

A copy of the opinions listed in this notice may be obtained by mailing a request indicating the opinion desired, accompanied by a check or money order in the amount of 10 cents per page (the number of pages in the opinion is set forth at the end of the case listing), to Laura J. Treaster, Information Director, Human Relations Commission, 101 South Second Street, Suite 300, Harrisburg, PA 17101. The check or money order should be made payable to the "Commonwealth of Pennsylvania."

HOMER C. FLOYD,
Executive Director

[Pa.B. Doc. No. 01-657. Filed for public inspection April 13, 2001, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations on the dates indicated. To obtain the date and time of the meeting at which the Commission will consider these regulations, contact the Commission at (717) 783-5417 or visit its website at www.irrc.state.pa.us. To obtain a copy of the regulation, contact the promulgating agency.

Final-Form

Reg. No.	Agency/Title	Received
59-07	Coroners' Education Board Education Requirements	03-28-01

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 01-658. Filed for public inspection April 13, 2001, 9:00 a.m.]

INSURANCE DEPARTMENT

Aetna US Healthcare; Rate Filing

On March 30th, 2001, Aetna US Healthcare submitted a filing for the age/gender banded individual rates for this Commonwealth. Rates vary by service area, tier factor and age/gender factors. This proposed increase will affect approximately 11,000 members and will produce additional annual premium income of about \$3.5 million.

The increases by Service area are shown below.

Service Area	Medical Increase	Pharmacy Increase	Total Increase
SEPA	8.71%	30.00%	11.00%
PITTS/WEPA	38.48%	30.00%	37.57%
CEPA/NEPA/Berks	38.52%	30.00%	37.61%

The requested effective date of the change is July 1st, 2001.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's Harrisburg, Pittsburgh, Erie and Philadelphia regional offices.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-659. Filed for public inspection April 13, 2001, 9:00 a.m.]

Blue Cross of Northeastern Pennsylvania; Rate Filing

On March 30th, 2001, Blue Cross of Northeastern Pennsylvania submitted a filing requesting the Insurance Department's (Department) approval to increase the approved monthly rates by 19.65% for the Blue Cross Community Rated Program. The projected average number of contracts per month during the October 1, 2000, to October 1, 2001, period is approximately 17,000. The proposed increase will generate additional revenue of \$6,900,000. An effective date of October 1st, 2001, is requested.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Department's Harrisburg regional office.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-660. Filed for public inspection April 13, 2001, 9:00 a.m.]

Highmark, Inc. d/b/a Pennsylvania Blue Shield; Filing No. 200104; Community Group Medigap and Prestandardized Medical/Surgical Rate Filing

Highmark Inc. d/b/a Pennsylvania Blue Shield, submitted a request for approval to increase rates for Community Group Medigap and Prestandardized Medical/Surgical plans. Rates vary by Blue Cross region to reflect differences in claim costs and expenses. The filing requests an average increase of about 15%. This will affect about 138,963 subscribers and produce additional premium income of about \$2 million. The requested effective date of the change is October 1, 2001, for approval of quarterly rates for the Blue Cross of Northeastern Pennsylvania service area, and January 1, 2002, for approval of rates for a 12 month period for the Independence Blue Cross service area. No rate adjustment is requested in the Capital Blue Cross region at this time.

The requested rate increases by region are as follows:

Region	% Increase
Independence	22.4%
Blue Cross of Northeastern PA	15.8%

Region	% Increase
Capital	0.0%
Overall	15.0%

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's regional offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-661. Filed for public inspection April 13, 2001, 9:00 a.m.]

Highmark Inc. d/b/a Pennsylvania Blue Shield and Highmark Blue Cross Blue Shield; Filing No. 200108

On March 28, 2001, Highmark Inc. d/b/a Pennsylvania Blue Shield and Highmark Blue Cross Blue Shield submitted a change to the definition of UCR (Usual, Customary and Reasonable), to amend direct pay agreements—Blue Shield UCR100 Medical-Surgical Agreement and Blue Shield 80/20 Medical-Surgical Agreement. The change clarifies the method by which allowances are established.

Copies of this filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's Harrisburg, Pittsburgh, Erie and Philadelphia regional offices.

Interested parties are invited to submit written comments, suggestions or objections to Yen Lucas, Supervisor, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-662. Filed for public inspection April 13, 2001, 9:00 a.m.]

Highmark Inc. d/b/a Pennsylvania Blue Shield; Rate Filing No. 200105

On March 30, 2001, Highmark Inc. d/b/a Pennsylvania Blue Shield, requests approval to revise rates for Community Group Medical/Surgical Plans in the Capital Blue Cross, Independence Blue Cross and Blue Cross of Northeastern Pennsylvania regions. Rates vary by agent plan region and program to reflect differences in claim costs and expenses. The filing requests an overall average increase of about 7.91%. This will produce additional annual premium income of about \$4.3 million.

<i>Region</i>	<i>% Increase</i>	<i>Contracts</i>
Capital Blue Cross		
Fee Schedule	45.7%	11,039
UCR	4.0%	309,608
Independence Blue Cross		
Fee Schedule	36.1%	3,555
UCR	25.1%	39,971
Blue Cross of Northeast PA		
Fee Schedule	28.9%	6,721
UCR	6.8%	166,479
All Regions Combined		
Fee Schedule	37.6%	21,315
UCR	7.3%	516,058

The requested effective date of the change is October 1, 2001.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's Harrisburg and Philadelphia regional offices.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-663. Filed for public inspection April 13, 2001, 9:00 a.m.]

Ian Grove; Doc. No. AG01-02-024

A hearing shall occur on May 24, 2001, at 1 p.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 701—704 (relating to Administrative Agency Law), and the General Rules of Administrative Practice and Procedure, 1 Pa. Code § 31.1 et seq. and the Insurance Department's Special Rules of Administrative Practice and Procedure, 31 Pa. Code Chapter 56.

On or before May 3, 2001, each party must file with the Administrative Hearings Office a prehearing statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and addresses of witnesses along with the specialties of experts, if any, to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) an estimated time for that party's case. Each party must simultaneously serve the other with a copy of the prehearing statement. Failure to comply with this provision may result in the preclusion of witnesses and evidence from the hearing.

Motions preliminary to those at hearing, if any, must be filed on or before May 10, 2001, with the Docket Clerk, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

The Presiding Officer will consider a written request for continuance for the scheduled hearing for good cause only. Prior to requesting a continuance, a party must contact

the opposing party. All continuance requests must indicate whether the opposing party objects to a continuance.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid service or other accommodations to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-664. Filed for public inspection April 13, 2001, 9:00 a.m.]

(Correction)

List of Approved Data Service Vendors; Notice No. 2001-03

An error appeared in an Insurance Department notice which was published at 31 Pa.B. 1927 (April 7, 2001). The Notice Number was inadvertently deleted from the title.

[Pa.B. Doc. No. 01-619. Filed for public inspection April 6, 2001, 9:00 a.m.]

Prudential Property and Casualty Insurance Company; Homeowners Insurance Rate and Rule Revision

On March 30, 2001, the Insurance Department (Department) received from Prudential Property and Casualty Insurance Company a filing for a proposed rate level and rule changes for homeowners insurance.

The company requests an overall 3.7% increase amounting to \$1,800,000 annually, to be effective upon approval.

Unless formal administrative action is taken prior to May 29, 2001, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120, (e-mail: xlu@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-665. Filed for public inspection April 13, 2001, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) in connection with the termination of the insured's automobile policy. The hearing will be held in accordance with

the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). This administrative hearing will be held in the Insurance Department's Regional Office in Philadelphia, PA. Failure by the appellants to appear at the scheduled hearing may result in dismissal with prejudice.

The hearing will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Melissa M. Smyth and David McHugh; file no. 01-265-00923; Progressive Insurance Company; doc. no. PH01-03-042; June 8, 2001, at 2 p.m.

Each party may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses and the like necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-666. Filed for public inspection April 13, 2001, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board leases will expire:

Lackawanna County, Wine & Spirits Shoppe #3501, 3364 Birney Plaza, Moosic, PA 18507-1560.

Lease Expiration Date: September 30, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 2,300 to 2,700 net useable square feet of new or existing retail commercial space within the Borough of Moosic.

Proposals due: May 4, 2001 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110.
Contact: Ronald Hancher, Jr., (717) 657-4228

Lackawanna County, Wine & Spirits Shoppe #3520, Green Ridge Plaza, 1600 Nay Aug Avenue, Scranton, PA 18509-1868.

Lease Expiration Date: November 30, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,000 to 5,000 net useable square feet of new or existing retail commercial space within 1/2 mile of the intersection of Nay Aug Avenue and Green Ridge Street, within the city of Scranton.

Proposals due: May 4, 2001 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110.
Contact: Ronald Hancher, Jr., (717) 657-4228

Alcohol Education, North Progress Avenue, Harrisburg, PA.

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 1,900 to 2,700 net useable square feet of new or existing retail commercial space. Location must have immediate access to North Progress Avenue between I-81 to the South and Linglestown Road to the North. Site will have free on-site parking for up to 30 vehicles.

Proposals due: May 4, 2001 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110.
Contact: Charles D. Mooney, (717) 657-4228

Luzerne County, Wine & Spirits Shoppe #4032, 6 North Broad Street, West Hazleton, PA 18201-3765.

Lease Expiration Date: March 31, 2002

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,000 to 4,000 net useable square feet of new or existing retail commercial space within West Hazleton Borough.

Proposals due: May 4, 2001 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110.
Contact: Charles D. Mooney, (717) 657-4228

JOHN E. JONES, III,
Chairperson

[Pa.B. Doc. No. 01-667. Filed for public inspection April 13, 2001, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (Commission). Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before May 7, 2001, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating as common carriers for transportation of persons as described under each application.

A-00117679. Michael R. Napolitan, t/d/b/a South Hills Shuttle (P. O. Box 891, Bethel Park, Allegheny County, PA 15102)—persons in airport transfer service, from points in the Washington County, to the Greater Pittsburgh International Airport located in Allegheny County.

A-00117686. Andrews Transportation Co., Inc. (3236 A Street, Philadelphia, PA 19134-2227), a corporation of the Commonwealth of Pennsylvania—persons in paratransit service, from points in the city and county of Philadelphia, to correctional facilities located in Pennsylvania and return.

A-00117689. Linda G. Krein, t/d/b/a We Care Limousine Service (225 Alcoma Boulevard, Pittsburgh, Allegheny County, PA 15235)—persons in limousine service, from points in the county of Allegheny, to other points in Pennsylvania, and vice versa.

A-00117690. Brandon C. Dalusia, t/d/b/a Fine Line Limousine Service (823 Lincoln Avenue, West Chester, Chester County, PA 19382)—persons in limousine service, between points in the county of Chester, and from points in said county, to points in Pennsylvania, and return.

A-00117693. A Plus Limousine Service, LLC (412 Wooded Way, Newtown Square, Delaware County, PA 19073), a corporation of the Commonwealth of Pennsylvania—persons in limousine service, between points in the county of Delaware, and within an airline distance of 10 statute miles of the limits thereof, and from points in said area, to points in Pennsylvania, and return. *Attorney:* Raymond J. Peppelman, Jr., 606 East Baltimore Pike, Media, PA 19063.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 01-668. Filed for public inspection April 13, 2001, 9:00 a.m.]

Telecommunications

A-310725F0002. Verizon Pennsylvania Inc. and Fairpoint Communications Solutions Corp. Joint Petition of Verizon Pennsylvania Inc. and Fairpoint Communications Solutions Corp. for approval of a replacement interconnection agreement, with Amendment No. 1 and Amendment No. 2, under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Fairpoint Communications Solutions Corp. filed on April 2, 2001, at the Pennsylvania Public Utility Commission, a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and Fairpoint Communications Solutions Corp. Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 01-669. Filed for public inspection April 13, 2001, 9:00 a.m.]

Telecommunications

A-310771. Verizon Pennsylvania Inc. and Global NAPs, Inc. Joint Petition of Verizon Pennsylvania Inc. and Global NAPs, Inc. for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Global NAPs, Inc. filed on April 2, 2001, at the Pennsylvania Public Utility Commission, a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and Global NAPs, Inc. Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 01-670. Filed for public inspection April 13, 2001, 9:00 a.m.]

**Transfer of Peaking Assets
Without Hearing**

A-123100 F0028. UGI Utilities, Inc. Application of UGI Utilities, Inc., for approval of the transfer of peaking assets in accordance with the terms of its restructuring settlement agreement.

This Application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before April 30, 2001, under 52 Pa. Code (relating to public utilities).

Applicant: UGI Utilities, Inc.

Through and By Counsel: Mark C. Morrow, 460 North Gulph Road, King of Prussia, PA 19406.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 01-671. Filed for public inspection April 13, 2001, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center

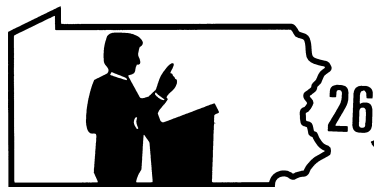
PA Department of Community and Economic Development

374 Forum Building

Harrisburg, PA 17120

800-280-3801 or (717) 783-5700

Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services

Location: Harrisburg, Pa.

Duration: 12/1/93-12/30/93

Contact: Procurement Division
787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:)
Vendor Services Section
717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

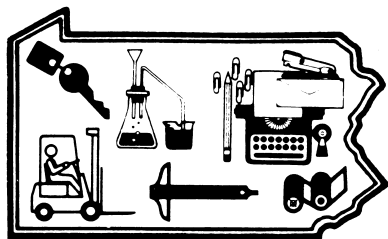
GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, *"Frequently Asked Questions About State Contracts,"* explains how to take advantage of the bureau's services.

Contact: Bureau of Contracts and Public Records

Pennsylvania State Treasury
Room G13 Finance Building
Harrisburg, PA 17120
717-787-2990
1-800-252-4700

BARBARA HAFER,
State Treasurer



Commodities

8141540 Superpave Asphalt Mixture Design.

Department: Transportation
Location: Mercer, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

1537070 Booney Hat w/cooling ventilation holes, 3 1/4" floppy brim, and glare reducing black underside of brim.

Department: Health
Location: Various
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

8161430 Heavy Duty Mobile Lifting System.

Department: Transportation
Location: Bellefonte, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

PGC-2700 The Agency is purchasing windows for remodeling their new Southwest Regional Office, as follows: 1) Two (2) picture/awning combination units, finished height to 72 inches and finished width to 36 inches. Height of vented awning bottom portion to be no less than 19 inches or greater than 24 inches (reference Andersen AP321; Peachtree A3672; Crestline PAW304020, or approved equal); 2) One (1) of the above specified single wide picture/awning combination window units connected as a double, to be approx. 6 foot wide (reference Andersen AP321-2; Peachtree A3672/A3672; Crestline PAW304020, or approved equal); and 3) Twelve (12) of the above specified single wide picture/awning window units connected as a triple, to be approx. 9 foot wide (reference Andersen AP321-3; Peachtree A3672/A3672/A3672 and Crestline PAW304020, or approved equal). Windows to be warranted as per agency standards—glassware, twenty (20) years; hardware, ten (10) years. Windows to be delivered as soon as possible upon notification of award.

Department: Game Commission
Location: Pennsylvania Game Commission, Southwest Regional Office (formerly the Fairfield Twp. Elementary School), Route 711 North, Ligonier, PA 15658
Contact: Diane Shultz or Linda Beaver, (717) 787-6594

8223040 Portable Tabletop Display System.

Department: Transportation
Location: Harrisburg, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

1534110 Panoramic X-Ray Machine (PC 1000) or approved equal.

Department: Corrections
Location: Various
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

1531110 Miscellaneous Fencing Materials.

Department: Corrections
Location: Huntingdon, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

1502130 Bathing System—Space Performer II Model 3301 or approved equal.

Department: Military Affairs
Location: Spring City, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

1529340 MPEG Multistream Transport Monitor.

Department: PA Public TV Network
Location: Hershey, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

1500150 The Pennsylvania Manual

Department: General Services
Location: Harrisburg, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

1467210 Chair, Lounger with Shiatsu Massage.

Department: Public Welfare
Location: White Haven, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

1002041 Laboratory Egg Yolk Media.

Department: Agriculture
Location: Harrisburg, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

1501110 Electronics Training Laboratory

Department: Corrections
Location: Greensburg, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

PGC-2699 Agency is purchasing a no-till seeder, equal to or better than, Truax FLX II-88 or Tye, 2007, Pasture Pleasure, with SPT hitch capability, row spacing 8 inches, acre meter and maximum transport width of 8 1/2 feet. Wheel to be rear mounted. Unit will be delivered to the Pennsylvania Game Commission, HC 1, Box 14C, Karthaus, PA 16845 (located on Route 879, at Piper Road and SR 1011).

Department: Game Commission
Location: Pennsylvania Game Commission, Automotive and Procurement Division, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797
Contact: Diane Shultz or Linda Beaver, (717) 787-6594

1511220 Boat and Motor. Proline Model 27 I/O Package, 496 MAG Mercruiser I/O with Bravo II Outdrive.

Department: Fish and Boat Commission
Location: North East, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

8505710 Bearing and Hydraulic Pump Parts.

Department: Transportation
Location: Harrisburg, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

1409210 Aerial Work Platform (Pre-Owned)

Department: Public Welfare
Location: Harrisburg, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

1482210 Electrical Hardware and Supplies.

Department: Public Welfare
Location: White Haven, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

4509-148 Raincoat, lightweight reversible Blauer style #26990

Department: Corrections
Location: Correctional Industries, SCI Huntingdon, 1100 Pike Street, Huntingdon, PA 16654
Duration: 1 year
Contact: MaryAnn Ulrich, (717) 731-7134

1292130 Latest Model Cutaway Cab and Chassis with Omnibus Conversion School Bus.

Department: Military Affairs
Location: Scotland School for Veterans' Children, Scotland, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

1517300 Upgrade of HVAC Units.

Department: Historical and Museum Commission
Location: Harrisburg, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

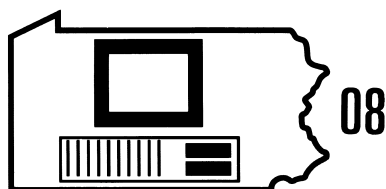
8505740 Fabrication and Delivery of a Precast Concrete Box Culvert.

Department: Transportation
Location: Armstrong County, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

6605-06 Analytical and Test Supplies ONLY. For a copy of bid package fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: 06/01/01—05/31/02
Contact: Vendor Services, (717) 787-2199

SERVICES

**Computer Related Services**

01—I—01 Consulting Services: The Department of Labor and Industry is issuing a Request for Proposal to obtain consulting services regarding the Medical Fee Schedules required by the amendments to the Workers' Compensation Act contained in Act 44 of 1993. A pre-proposal conference is scheduled for Thursday, May 10, 2001. To obtain a copy of the RFP, contact Cheri Thomas at (717) 787-2877 or fax your request to (717) 787-0688.

Department: Labor and Industry
Location: Bureau of Workers' Compensation, 1171 South Cameron Street, Harrisburg, PA 17104-2501
Duration: 5 years
Contact: C Thomas/B Fenton, (717) 787-2877—(717) 787-2560

SU-00-16 Shippensburg University is seeking vendors interested in submitting bids for on-site repair (if possible) to Apple Microcomputers and various other peripheral equipment as requested by the University. Services to include one on-site visit each week to repair equipment or pick up and return equipment that must go to shop for repair. Only Apple authorized service centers will be considered for contract award. Requests for Bid package should be faxed to Pamela King at fax (717) 477-4004, all requests must be in writing. All responsible bidders are invited to participate including MBE/WBE firms. Bids are due at 4:00 p.m. on April 30, 2001.

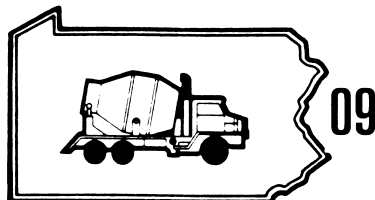
Department: Education
Location: Shippensburg University, 1871 Old Main Dr., Shippensburg, PA 17257
Duration: July 1, 2001 through June 30, 2005
Contact: Pamela A. King, (717) 477-1121

SU-00-15 Shippensburg University is seeking vendors interested in submitting bids for on-site repair (if possible) to Wintel (Windows/Intel products), Hewlett Packard printers and various other peripheral equipment as requested by the University. Services to include one on-site visit each week to repair equipment or pick up and return equipment that must go to shop for repair. The University has approximately 1,700 computers and approximately 1,200 printers. Requests for Bid package should be faxed to Pamela King at fax (717) 477-4004, all requests must be in writing. All responsible bidders are invited to participate including MBE/WBE firms. Bids are due at 4:00 p.m. on April 30, 2001.

Department: Education
Location: Shippensburg University, 1871 Old Main Dr., Shippensburg, PA 17257
Duration: July 1, 2001 through June 30, 2005
Contact: Pamela A. King, (717) 477-1121

KURFP-0033 Kutztown University is seeking qualified firms for the installation of all microcomputer equipment on campus. The scope of work will include, but not limited to: installation of all new equipment, moving of computer equipment from location to location, data transfer if required, inventory and installation of standard software applications. All technicians must have A+ Certification, and at least two (2) technicians must be Apple Certified (documentation required). All work to be completed during normal operating hours of Monday through Friday, 8 a.m. to 4:30 p.m. Interested firms must request an RFP packet in writing to: Kutztown University, Purchasing Department, Attn: Craig Kleinsmith, Kutztown, PA 19530. RFP packets will be available from April 16th through April 30th, 2001. Phone: (610) 683-4774; fax: (610) 683-4674; e-mail: kleinsmi@kutztown.edu.

Department: State System of Higher Education
Location: Kutztown University, Kutztown, PA 19530
Contact: Craig Kleinsmith, (610) 683-4774

**Construction & Construction Maintenance**

DGS A 555-68 PROJECT TITLE: Refurbish Existing Elevator in Building No. 9 (91 & 92 ELM). BRIEF DESCRIPTION: Refurbish existing elevator ELM Building—9 to comply with current ADA code. ESTIMATED RANGE: Under \$100,000.00. General Construction. PLANS DEPOSIT: \$25.00 per set payable to: COMMONWEALTH OF PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5.00 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: (717) 787-3923. Bid Date: WEDNESDAY, May 2, 2001 at 1:00 p.m.

Department: General Services
Location: Hamburg Center, Hamburg, Berks County, PA
Duration: 180 CALENDAR DAYS AFTER JULY 9, 2001
Contact: Contract and Bidding Unit, (717) 787-6556

FDC-317-984R All work associated with ADA Site Improvements at Little Buffalo State Park in Perry County. Work includes excavation and backfill, embankment (600 C.Y.), a small boat dock, 2A stone (570 tons); AASHTO #10 (45 tons); ID2 wearing (145 tons), ID2 binder (180 tons); line painting; class R4 rock (15 ton); concrete sidewalks (18 C.Y.); park bumpers (12 each); seeding and 4 C.Y. of cast-in-place concrete. NOTE: Requests for Bid Documents can be made ON or AFTER April 16, 2001.

Department: Conservation and Natural Resources
Location: Centre and Juniata Townships
Duration: 90 Days
Contact: Construction Management Section, (717) 787-5055

SP3864290002 Furnish and install approximately 1,700 sq. ft. of structural insulating panels and associated fasteners, sealants, and assembly materials for the roof system on a new visitors center at Lackawanna State Park. Documents containing all pertinent information must be obtained from the park office—Lackawanna State Park, RR 1 Box 230, Dalton PA 18414. Telephone: (570) 945-3239.

Department: Conservation and Natural Resources
Location: Lackawanna State Park, RR 1 Box 230, Dalton, PA 18414
Contact: Jeffrey F. Anna, Park Manager, (570) 945-3239

FDC-019-902.1 All General Construction associated with a new 32 ft. X 66 ft. X 14 ft. pole building in Forest District #19, at the Snow Hill Maintenance Area, north of Stroudsburg in Monroe County. Work includes excavation, drainage items, seeding, reinforced concrete, carpentry, overhead doors, and painting. NOTE: Requests for Bid Documents can be made ON or AFTER April 16, 2001.

Department: Conservation and Natural Resources
Location: Price Township
Duration: 120 Days
Contact: Construction Management Section, (717) 787-5055

FDC-019-902.4 All Electrical Work associated with a new pole building in Forest District #19, in the Snow Hill Maintenance Area, north of Stroudsburg in Monroe County. NOTE: Requests for Bid Documents can be made ON or AFTER April 16, 2001.

Department: Conservation and Natural Resources
Location: Price Township
Duration: 120 Days
Contact: Construction Management Section, (717) 787-5055

ME-00981038 Contractor shall grade and strip off topsoil, as required. Excavation and construction to build a wood frame building per drawing and specifications that are provided. Backfill at footers, foundation walls, and finish grading. Site visit requirement. Call for specifications (724) 656-7310.

Department: Public Welfare
Location: Youth Development Center, Frew Mill Road, R. R. 6, Box 21A, New Castle, PA 16101
Duration: Undetermined
Contact: Thomas E. Mateja, PA, (724) 656-7310

FDC-109-921R Repair concrete cracking, delamination and spalling; and replace old missing joint materials in the walls and slabs of the spillway at Hill Creek State Park in Tioga County. NOTE: Requests for Bid Documents can be made ON or AFTER April 18, 2001.

Department: Conservation and Natural Resources
Location: Charleston Township
Duration: Complete all work by October 31, 2001
Contact: Construction Management Section, (717) 787-5055

FDC-409-953 Miscellaneous Repairs for Sand Spring Run Dam at Hickory Run State Park in Carbon County. Work includes diversion and care of water, replace sluice gate assembly, fiberglass ladder, fall prevention system, trash rack, riprap, and coarse aggregate. NOTE: Requests for Bid Documents can be made ON or AFTER April 18, 2001.

Department: Conservation and Natural Resources
Location: Kidder Township
Duration: 150 Days
Contact: Construction Management Section, (717) 787-5055

FDC-120-874 Paving Roads and Parking Areas at R.B. Winter State Park in Union County. Work includes drainage (360 L.F. of 12 inch, 15 inch and 18 inch CPP), 220 tons BCBC, 1,760 tons of ID-2, 1,250 tons ID-3 (mixes involve addition of reclaimed plastic), 600 tons 2A aggregate. NOTE: Requests for Bid Documents can be made ON or AFTER April 18, 2001.

Department: Conservation and Natural Resources
Location: Hartley Township
Duration: Complete all work by September 30, 2001
Contact: Construction Management Section, (717) 787-5055

DGS A 961-14 PROJECT TITLE: Installation of Gas Heaters—OMS-10. BRIEF DESCRIPTION: Remove existing oil-fired heaters in 4 buildings and install gas-fired heaters. ESTIMATED RANGE: \$75,000.00 to \$125,000.00. Mechanical Construction. PLANS DEPOSIT: \$25.00 per set payable to: COMMONWEALTH OF PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5.00 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Bid Date: WEDNESDAY, May 2, 2001 at 1:00 P.M.

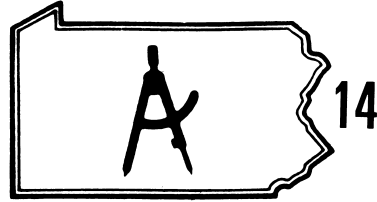
Department: General Services
Location: 2736 Southampton Road, Philadelphia, Philadelphia County, PA
Duration: 150 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE
Contact: Contract and Bidding Unit, (717) 787-6556

62-0060 West Chester University of Pennsylvania of the State System of Higher Education is soliciting sealed bids for Project 62-0060—Tyson Hall Roof Replacement. The projects consists of the removal of the existing built-up roof and replacing it with EPDM Roof System on Tyson Hall, a seven story dormitory. The project includes masonry pointing, sealant removal and replacement on parapet walls and cap stones, and the repair and replacement of associated metal flashing and gravel stops. Also, the existing entrance door thresholds require height adjustments and repainting. Prevailing wages apply and bid and contract bonds will be required. The specifications should be available on or about April 30, 2001.

Department: State System of Higher Education
Location: Tyson Hall, West Chester University
Duration: 45 days from notice to proceed
Contact: Jacki Marthinsen, (610) 436-2705

DGS A 577-33 PROJECT TITLE: Roof Replacement School. BRIEF DESCRIPTION: Remove existing built-up roofing system including gutters and downspouts. Install a new fully adhered EPDM roof with a 15 year system warranty, provide new insulation, etc. and install new gutters and downspouts. Existing roofing system contains asbestos. ESTIMATED RANGE: \$100,000.00 to \$500,000.00. General Construction. PLANS DEPOSIT: \$25.00 per set payable to: COMMONWEALTH OF PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5.00 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: (717) 787-3923. Bid Date: WEDNESDAY, May 9, 2001 at 1:00 P.M. A Pre-Bid Conference has been scheduled for Wednesday, April 25, 2001 at 10:00 A.M. at the State Correctional Institution, Graterford, PA. Meet at the Visitor's Center. Contact: George Hiltner, Tel: (610) 489-4151 Ext. 2956. All Contractors who have secured Contract Documents are invited and urged to attend this Pre-Bid Conference.

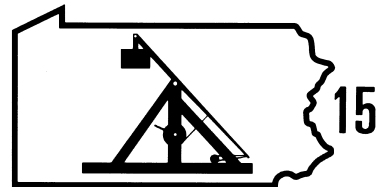
Department: General Services
Location: State Correctional Institution, Graterford, Montgomery County, PA
Duration: 100 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE
Contact: Contract and Bidding Unit, (717) 787-6556



Engineering Services

060019 The Department of Transportation (District 6 Geotechnical Unit) is accepting bids for providing on-call drilling and equipment and personnel for soils and geological investigations for various locations in Bucks, Chester, Delaware and Montgomery Counties. This work will be bid in accordance with the Standard Specifications for Subsurface Boring and Testing, PennDOT's Publication 222. Any Contractor that wishes to bid must apply to PennDOT to be included on the approved list of Department Certified Drilling Contractors. Contact Mr. Bruce Shelly, P.E., Geotechnical Engineer at (610) 205-6545 to make application. If you are already on the List a bid package may be obtained by faxing your name, address and phone number to Bruce at (610) 205-6899. A mandatory Pre-Bid Conference is scheduled to be held at the District Office, 7000 Geerdes Boulevard, King of Prussia, PA on May 9, 2001 at 9:00 a.m. Bids are anticipated to be opened in the King of Prussia on May 24, 2001 at 1:30 p.m.

Department: Transportation
Location: Various State Routes in Bucks, Chester, Delaware and Philadelphia Counties.
Duration: Two Years with an option to renew.
Contact: Bruce Shelly, District Geotechnical Engineer, (610) 205-6545



Environmental Maintenance Service

BF 474 Under Act 181 of 1984, the Department of Environmental Protection solicits letters of interest from the landowners and/or licensed mine operators for the reclamation of the following abandoned strip mine projects. Letters of interest must be received by Roderick A. Fletcher, P.E., Director, Bureau of Abandoned Mine Reclamation, Department of Environmental Protection, 400 Market Street, P.O. Box 8476, Harrisburg, PA 17105-8476, no later than 4:00 p.m., May 7, 2001, to be considered.

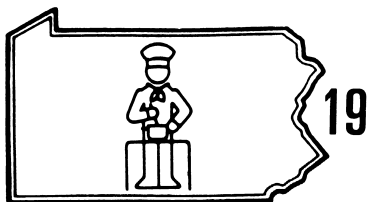
Department: Environmental Protection
Location: 141 acres of reclamation in Dunbar Township, Fayette County
Contact: Daniel Henry, (717) 783-7752



Financial and Insurance Consulting

Request for Information The Public School Employees' Retirement System (PSERS) is soliciting vendors to respond to a Request for Information (RFI) for an Investment Accounting & Portfolio Management System. The project mission is to automate the investment accounting function & provide automated data for historical record keeping, reconciliation with the custodian bank, the preparation of financial statements, various portfolio management analysis tools and timely financial information for PSERS' Senior Management, Investment Accounting Division and Investment Office. PSERS is requesting only those vendors who can provide such an investment accounting system through an Application Service Provider arrangement to respond to the RFI. As of February 28, 2001, PSERS' investment portfolio was approx. \$49 billion in total assets, ranking it among the 25 largest public or private pension funds in the US. The assets were invested as follows: \$34 billion in equity securities; \$10 billion in fixed income securities; \$2 billion in real estate holdings; \$2 billion in alternative investment; and \$1 billion in cash and cash equivalents.

Department: Public School Employees' Retirement System
Location: 5 North 5th Street, Harrisburg, PA 17101
Contact: Rebecca A. Snead, (717) 720-4607



Food

3968 Juice Contract, Frozen 4 oz. containers for July, August and September 2001. Please send a fax to (570) 587-7108 to request a bid package. Bid packages cannot be faxed.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505
Duration: July 01, 2001—September 30, 2001
Contact: Stanley Rygelski, PA, (570) 587-7291

3964 Dairy Contract for July, August and September 2001. Please send a fax to (570) 587-7108 to request a bid package. Bid packages cannot be faxed.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505
Duration: July 01, 2001—September 30, 2001
Contact: Stanley Rygelski, PA, (570) 587-7291

3960 Poultry Contract, Frozen for July, August and September 2001. Please send a fax to (570) 587-7108 to request a bid package. Bid packages cannot be faxed.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505
Duration: July 01, 2001—September 30, 2001
Contact: Stanley Rygelski, PA, (570) 587-7291

3959 Meat Contract, Frozen for July, August and September 2001. Please send a fax to (570) 587-7108 to request a bid package. Bid packages cannot be faxed.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505
Duration: July 01, 2001—September 30, 2001
Contact: Stanley Rygelski, PA, (570) 587-7291

8970-1000-000 MISCELLANEOUS FROZEN FOODS: Contracts shall cover the months of July 2001 through June 2002 with issuance of bid proposals made on a quarterly (or more frequent) basis. Delivery of the product(s) specified shall be made approximately one time each month, or more often if deemed necessary by the Institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact.

Department: Corrections
Location: State Correctional Institution at Greensburg, R. D. 10 Box 10, Route 119 South, Greensburg, PA 15601-8999
Duration: July 1, 2001 to June 30, 2002
Contact: Charles W. Kovach, (724) 853-3503

8970-2400-000 MEAT & MEAT PRODUCTS: Contracts shall cover the months of July 2001 through June 2002 with issuance of bid proposals made on a quarterly (or more frequent) basis. Delivery of the product(s) specified shall be made approximately one time each month, or more often if deemed necessary by the Institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.

Department: Corrections
Location: State Correctional Institution at Greensburg, R. D. 10 Box 10, Route 119 South, Greensburg, PA 15601-8999
Duration: July 1, 2001 to June 30, 2002
Contact: Charles W. Kovach, (724) 853-3503

8970-1500-000 MARGARINE: Contracts shall cover the months of July 2001 through June 2002 with issuance of bid proposals made on a semi-annual (or more frequent) basis. Delivery of the product(s) specified shall be made as needed and requested by the Institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.

Department: Corrections
Location: State Correctional Institution at Greensburg, R. D. 10 Box 10, Route 119 South, Greensburg, PA 15601-8999
Duration: July 1, 2001 to June 30, 2002
Contact: Charles W. Kovach, (724) 853-3503

8000-04151 Removal and relocation of Hobart CRS-86 dish machine, and any necessary fabrication.

Department: Corrections
Location: SCI-Waynesburg, 373 Prison Road, Waynesburg, PA 15370
Duration: Work must be completed by June 30, 2001
Contact: Judith Cook—Purchasing Agent, (724) 852-5609

8970-1200-000 FISH & SEAFOOD: Contracts shall cover the months of July 2001 through June 2002 with issuance of bid proposals made on a quarterly (or more frequent) basis. Delivery of the product(s) shall be made approximately one time each month, or more often if deemed necessary by the Institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.

Department: Corrections
Location: State Correctional Institution at Greensburg, R. D. 10 Box 10, Route 119 South, Greensburg, PA 15601-8999
Duration: July 1, 2001 to June 30, 2002
Contact: Charles W. Kovach, (724) 853-3503

8970-1800-000 SHELL EGGS: Contracts shall cover the months of July 2001 through June 2002 with issuance of bid proposals made on a quarterly (or more frequent) basis. Delivery of the product(s) specified shall be made approximately one time each two weeks, or more often if deemed necessary by the Institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.

Department: Corrections
Location: State Correctional Institution at Greensburg, R. D. 10 Box 10, Route 119 South, Greensburg, PA 15601-8999
Duration: July 1, 2001 to June 30, 2002
Contact: Charles W. Kovach, (724) 853-3503

8970-1400-000 DAIRY & RELATED PRODUCTS: Contracts shall cover the months of July 2001 through June 2002 with issuance of bid proposals made on an annual, or semi-annual (or more frequent) basis. Delivery of the product(s) specified shall be made approximately one or two days each week, or more often if deemed necessary by the Institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person. Separate solicitations shall be made for commodities as controlled and uncontrolled by the Pennsylvania Milk Marketing Board.

Department: Corrections
Location: State Correctional Institution at Greensburg, R. D. 10 Box 10, Route 119 South, Greensburg, PA 15601-8999
Duration: July 1, 2001 to June 30, 2002
Contact: Charles W. Kovach, (724) 853-3503

8970-1300-000 CHEESE PRODUCTS: Contracts shall cover the months of July 2001 through June 2002 with issuance of bid proposals made on a quarterly (or more frequent) basis. Delivery of the product(s) specified shall be made approximately one time each month, or more often if deemed necessary by the Institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.

Department: Corrections
Location: State Correctional Institution at Greensburg, R. D. 10 Box 10, Route 119 South, Greensburg, PA 15601-8999
Duration: July 1, 2001 to June 30, 2002
Contact: Charles W. Kovach, (724) 853-3503

8970-1100-000 POULTRY & POULTRY PRODUCTS: Contracts shall cover the months of July 2001 through June 2002 with issuance of bid proposals made on a quarterly (or more frequent) basis. Delivery of the product(s) specified shall be made approximately one time each month, or more often if deemed necessary by the Institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.

Department: Corrections
Location: State Correctional Institution at Greensburg, R. D. 10 Box 10, Route 119 South, Greensburg, PA 15601-8999
Duration: July 1, 2001 to June 30, 2002
Contact: Charles W. Kovach, (724) 853-3503

BID INQ.#1049 Contractor agrees to provide the State Correctional Institution—Frackville, with 2% milk & skim milk in five gallon plastic containers (bulk) and 2% milk & skim milk in 1/2 pint containers for the period July 1, 2001 to June 30, 2002. Deliveries to be made twice weekly. Detailed bid package available from purchasing office at the institution.

Department: Corrections
Location: State Correctional Institution—Frackville, 111 Altamont Boulevard, Frackville, PA 17931
Duration: July 2, 2001 to June 30, 2002
Contact: Mary Lou Neverosky, Purchasing Agent, (570) 874-4516, EXT. 112

8970-2300-000 BREAD & RELATED PRODUCTS: Contracts shall cover the months of July 2001 to June 2002 with issuance of bid proposals made on a semi-annual (or more frequent) basis. Delivery of the product(s) specified shall be made as needed and requested by the Institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.

Department: Corrections

Location: State Correctional Institution at Greensburg, R. D. 10 Box 10, Route 119 South, Greensburg, PA 15601-8999

Duration: July 1, 2001 to June 30, 2002

Contact: Charles W. Kovach, (724) 853-3503

3967 Miscellaneous Food Contract, Frozen for July, August and September 2001. Please send a fax to (570) 587-7108 to request a bid package. Bid packages cannot be faxed.

Department: Public Welfare

Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505

Duration: July 01, 2001—September 30, 2001

Contact: Stanley Rygelski, PA, (570) 587-7291

#7834 Coffee, Freeze Dried, Decaffeinated.

Department: Public Welfare

Location: Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821

Duration: July 1, 2001—June 30, 2002

Contact: Doris Cavallini, (570) 271-4579

03107 Liquid Coffee, Frozen.

Department: Military Affairs

Location: PA Soldiers & Sailors Home, 560 East 3rd Street, P.O. Box 6239, Erie, PA 16512-6239

Duration: 7/01/01 through 6/30/02

Contact: Jenny Nowacinski, (814) 878-4930

8970-1900-000 FRESH FRUITS & VEGETABLES: Contracts shall cover the months of July 2001 through June 2002 with issuance of bid proposals made on a monthly (or more frequent) basis. Delivery of the product(s) specified shall be made as needed and requested by the Institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.

Department: Corrections

Location: State Correctional Institution at Greensburg, R. D. 10 Box 10, Route 119 South, Greensburg, PA 15601-8999

Duration: July 1, 2001 to June 30, 2002

Contact: Charles W. Kovach, (724) 853-3503

Greene 11 Fish and Seafood Products: SCI Greene will be issuing bids on an "as needed basis" for the referenced product. Bidding information can be obtained by contacting the Institution's Contact Person.

Department: Corrections

Location: SCI Greene, 169 Progress Dr., Waynesburg, PA 15370

Duration: April 14, 2001 through March 31, 2002

Contact: Pat Nichols, (724) 852-5533

Greene 14 Miscellaneous Frozen Foods: Bids will be issued on an "as needed basis" as determined by the Dietary Manager. Listing of specific commodities and estimated quantities can be obtained by contacting the Institution's Contact Person.

Department: Corrections

Location: SCI Greene, 169 Progress Dr., Waynesburg, PA 15370

Duration: April 14, 2001 through March 31, 2002

Contact: Pat Nichols, (724) 852-5533

Greene 13 Protein Alternatives: Products to include, but not limited to Soy Burgers, Grainburger, Garden Burgers, Black Bean Burgers, Dry Soy Chile Mix, Dry Soy Bar-B-Que Mix, Tofu, ETC. The referenced products will be bid on an "as needed basis" determined by the Dietary Manager.

Department: Corrections

Location: SCI Greene, 169 Progress Dr., Waynesburg, PA 15370

Duration: April 14, 2001 through March 31, 2002

Contact: Pat Nichols, (724) 852-5533

Greene 12 Cheese Products: Bids will be issued on an "as needed basis" determined by the Dietary Manager. Listing of specific commodities can be obtained by contacting the Institution's Contact Person.

Department: Corrections

Location: SCI Greene, 169 Progress Dr., Waynesburg, PA 15370

Duration: April 14, 2001 through March 31, 2002

Contact: Pat Nichols, (724) 852-5533

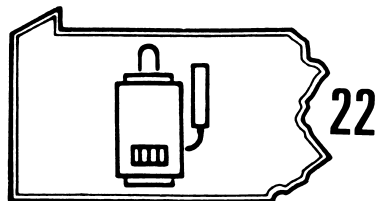
Greene-10 Poultry & Poultry Products: SCI Greene will be soliciting bids on an "as needed basis" for the referenced products. Bidding information can be obtained by contacting the Institutions Contact person.

Department: Corrections

Location: SCI Greene, 169 Progress Dr., Waynesburg PA 15370

Duration: April 1, 2001 through March 31, 2002

Contact: Patrick Nichols, (724) 852-5533



HVAC Services

03110 Provide "On-Call" as needed Plumbing Repairs and Maintenance Service for the PA Soldiers & Sailors Home

Department: Military Affairs

Location: PA Soldiers & Sailors Home, 560 East 3rd Street, P.O. Box 6239, Erie, PA 16512-6239

Duration: 7-01-01 Through 6-30-06

Contact: Jenny Nowacinski, (814) 878-4930

0290-01001 This contract will be for maintenance of a gas fired heating system at the Mifflin County maintenance building in Lewistown, Pa. and for a oil fired heating system at the Juniata County maintenance building, 1 mile east of Mifflintown, Pa.

Department: Transportation

Location: S.R. 0022, 1200 West Fourth Street, Lewistown, PA

S.R. 3002, 1 mile East of Mifflintown, PA

Duration: August 1, 2001 through July 31, 2004

Contact: Don Woodward, (717) 436-2187



Janitorial Services

03-F-01 JANITORIAL SERVICES: Services to be provided Monday through Friday, 5:00 PM to 11:00 PM except State Holidays.

Department: Labor and Industry

Location: Department of Labor and Industry, Office of Vocational Rehabilitation, 665 Carey Street, Wilkes-Barre, PA 18702

Duration: Contract to run from 07/01/01 through 06/30/02

Contact: Cherianita Thomas/BF, (717) 787-2877



Laboratory Services

sp4012706020 Provide janitorial service for the Region 6 office in Summerdale, PA. The office is an estimated 5,500 sq. ft.

Department: Agriculture

Location: 1st and Water Sts., Summerdale, PA 17093

Duration: ONE YEAR WITH OPTION TO EXTEND FOR THREE ONE YEAR PERIODS.

Contact: ROGER DRESSLER, (717) 728-2570

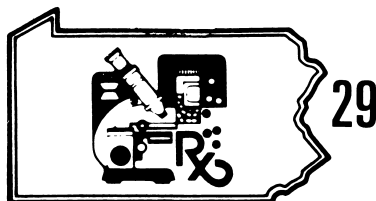
SP 00783010 The scope of this service is to furnish Clinical Laboratory Services to male youth at Youth Forestry Camp No. 2. Services to include the taking and processing of routine, multi-phasic and specialized laboratory samples. Please fax us at (570) 459-3851 to request bid package.

Department: Public Welfare

Location: Youth Forestry Camp No. 2, Hickory Run State Park, RR #1 Box 82, White Haven, PA 18661

Duration: July 1, 2001 through June 30, 2004

Contact: Susan Wilkinson, Business Manager, (570) 443-9524



Medical Services

SP1345011008 Vendor to provide non-emergency transport for residents of the Southeastern Veterans Center to local hospitals, medical center, doctor's offices, etc.

Department: Military Affairs

Location: Southeastern Veterans Center, 1 Veterans Drive, Spring City, PA 19475

Duration: July 1, 2001 through June 30, 2002

Contact: Theresa Barthel, P.A., (610) 948-2493

SP-10981010 Contractor is to provide the services of a licensed physician to provide general medical services on the grounds of YDC at New Castle, PA. The physician must have privileges to practice the medical arts at St. Francis Hospital and Jameson Hospital, which are located in New Castle, PA, both of which are contracted to provide hospital services to YDC New Castle. Interested parties should call the YDC New Castle purchasing department for the contract specifications, (724) 656-7310

Department: Public Welfare

Location: Youth Development Center, Frew Mill Road, R. R. 6, Box 21A, New Castle, PA 16101

Duration: Unspecified

Contact: T. E. Mateja, Pur. Agt., (724) 656-7310

03108 Provide Dental Services for the Residents of the PA Soldiers & Sailors Home.

Department: Military Affairs

Location: PA Soldiers & Sailors Home, 560 East 3rd Street, P.O. Box 6239, Erie, PA 16512-6239

Duration: 7-01-01 through 6-30-06

Contact: Jenny Nowacinski, (814) 878-4390

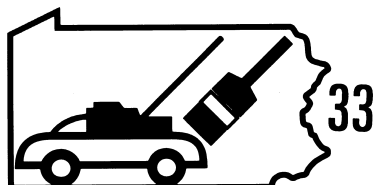
03109 Provide Optometry Services for the Residents of the PA Soldiers & Sailors Home

Department: Military Affairs

Location: PA Soldiers & Sailors Home, 560 East 3rd Street, P.O. Box 6239, Erie, PA 16512-6239

Duration: 7-01-01 through 6-30-06

Contact: Jenny Nowacinski, (814) 878-4930



Property Maintenance

63-0154.1 West Chester University of Pennsylvania of the State System of Higher Education is soliciting sealed bids for Project 63-0154.1—Telescoping Bleachers in Hollinger Field House. The project consists of removing the existing five (5) section, ten (10) row Telescoping Fixed Bleachers and providing new, code compliant Telescoping Fixed Bleachers. The project also includes the repair of the existing six (6) section, twelve (12) row portable bleachers complying with State and Local Codes. The work is to be completed between August 18, 2001 and October 20, 2001. Specifications are to be available on or about April 1, 2001. Requests may be sent via fax to (610) 436-2720 or e-mail to jmarthinsen@wcupa.edu.

Department: State System of Higher Education

Location: West Chester University, Hollinger Field House

Duration: August 18, 2001—October 20, 2001

Contact: Jacki Marthinsen, Contracts Manager, (610) 436-2705

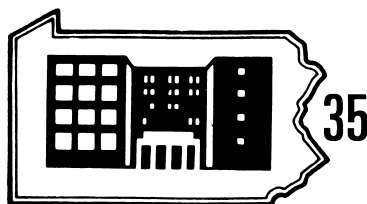
CL-530 Clarion University of Pennsylvania is soliciting bids for landscape renovations to a main entrance of the campus located along Wood Street in Clarion, PA. The project includes removal and replacement of existing sidewalks and plantings around and in front of two campus buildings, construction of ornamental fences around a parking lot and as otherwise specified, and other minor renovations. Pre-Bid Meeting: 10 A.M., April 24, in McEntire Maintenance Building. Bid Opening: 2 P.M., May 3, 2001. Bid packages available from contact person with receipt of check for \$20, non-refundable, payable to the University.

Department: State System of Higher Education

Location: Clarion University, Clarion, PA

Duration: 120 Days from Notice to Proceed

Contact: Judy McAninch, Contract Specialist, (814) 393-2240



Real Estate Services

93204 LEASE SPACE TO THE COMMONWEALTH OF PA Proposals are invited to provide the Department of Health with 2,560 useable square feet of office/clinic space in Mifflin County, PA. with minimum parking for 8 vehicles, in the municipal limits of Lewistown. In areas where street or public parking is not available, an additional 10 parking spaces are required. First floor space is preferred. Downtown locations will be considered. For more information on SFP #93204 which is due on June 4, 2001 visit www.dgs.state.pa.us or call (717) 787-4394.

Department: Health

Location: Room 505 North Office Building, Harrisburg, PA 17125

Contact: John Hocker, (717) 787-4396

93207 LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA 9,413 sq. ft. of office space with 40 parking spaces, within a ten (10) mile radius of Butler, Butler County, PA. The Office of Attorney General, Bureau of Narcotics Investigation and Drug Control will occupy the space. Downtown locations will be considered. For more information on Solicitation #93207 which is due on May 21, 2001 visit www.dgs.state.pa.us or call (717) 787-4394.

Department: Attorney General

Location: 505 North Office Building, Harrisburg, PA 17125

Contact: Mrs. Cynthia T. Lentz, (717) 787-0952

93206 LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA 18,471 sq. ft. of office space with 31 parking spaces (in areas where street or public parking is not available, an additional 29 parking spaces are required), to be located within the following boundaries: North: 3/4 mile North of Linglestown Road; South: 1-83; East: 3/4 mile East of Progress Avenue and Paxtang Street; West: Susquehanna River, Harrisburg, Dauphin County, PA. The Department of Public Welfare, Dauphin/Hearings and Appeals will occupy the space. Downtown locations will be considered. For more information on Solicitation #93206 which is due on May 21, 2001 visit www.dgs.state.pa.us or call (717) 787-4394.

Department: Public Welfare

Location: 505 North Office Building, Harrisburg, PA 17125

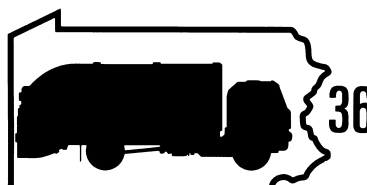
Contact: Mrs. Cynthia T. Lentz, (717) 787-0952

93094 STATE-OWNED REAL ESTATE FOR SALE—CHAMBERSBURG NATIONAL GUARD ARMORY The Department of General Services will accept bids for the purchase of a 2.27-acre parcel of the Chambersburg Armory property located on Lincoln Way West (S.R. 0030). The property is located in Hamilton Township, Franklin County. Bids are due May 10, 2001. Interested parties wishing to receive a copy of solicitation #93094 can either download a complete bid package at www.dgs.state.pa.us/realstate/re.htm, or call (717) 705-5764.

Department: General Services

Location: 505 North Office Building, Harrisburg, PA 17125

Contact: Mr. Bradley J. Swartz, (717) 705-5764



Sanitation

012023 Dispose of roadside trash and construction/demolition materials delivered by Department trucks on an as needed basis.

Department: Transportation

Location: Disposal site: PA Department of Transportation, 9031 Peach St, Waterford, PA 16441

Duration: 1 year

Contact: Jean Zarger, (814) 871-4411

1106300008 Removal and disposal of trash and garbage waste at the Quehanna Boot Camp in Karthaus Township, Clearfield County. Estimated usage: 30 cu. yards weekly. All requests for bid packages can be obtained by faxing a request to (814) 263-3902.

Department: Corrections

Location: Quehanna Boot Camp, H-C BOX 32, STATE ROUTE 1011, KARTH AUS, PA 16845

Duration: 07/01/01 THROUGH 06/30/04.

Contact: JANINE E. PACKARD, PAI, (814) 263-4125

012024 Provide trash container at several locations within Erie County and pickup trash weekly.

Department: Transportation
Location: Several Erie County Stockpile Locations, PA Department of Transportation, 9031 Peach St., Waterford, PA 16441
Duration: 1 year plus 3 possible renewals
Contact: William Sachse, (814) 871-4411

SP-260122 Re-bid Remove corrugated cartons and waste from approximately 14 Wine & Spirits Shoppes in Erie County. The pick-up frequency varies from one per week to one per month.

Department: Liquor Control Board
Location: Erie County
Duration: Through May 31, 2003
Contact: Leland E. Scott, Jr., (717) 787-9854

00976024 Garbage/Refuse Service.

Department: Public Welfare
Location: Polk Center, Polk, PA 16342
Duration: July 1, 2001 through June 30, 2004
Contact: Patty Frank, Purchasing Agent, (814) 432-0229



Security Services

SP-10048001- REBID2 This service is for one (1) security guard at the Northampton County Assistance Office, 201 Larry Holmes Drive, Easton, PA 18042 from 8:30 a.m. to 5:00 p.m.—Monday through Friday (State holidays excluded). Complete details and specifications may be obtained by either contacting the Procurement Office or faxing your request to (717) 787-3560.

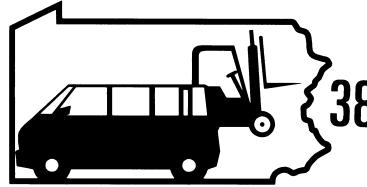
Department: Public Welfare
Location: Department of Public Welfare, Northampton County Assistance Office, 201 Larry Holmes Drive, Easton, Pennsylvania 18042
Duration: This contract will run from 07/01/2001 through 06/30/2006.
Contact: Rose Wadlinger, (717) 783-3767

10067001—REBID Provide security guard services for the York County Assistance Office. One security guard will be needed; with the hours of duty being from 7:30 a.m. to 5:00 p.m., Monday through Friday, except on specified State holidays. Complete details and specifications may be obtained by contacting the Procurement Office or faxing your request along with your name, address and the bid number.

Department: Public Welfare
Location: Department of Public Welfare, York County Assistance Office, 133 North Duke Street, P. O. Box 15041, York, Pennsylvania 17405-7041
Duration: This is a five-year contract—July 1, 2001—June 30, 2006.
Contact: Rose Wadlinger, (717) 783-3767

SP-10630001 To provide security guard services to the Washington County Assistance Office located at 167 North Main Street, Washington, PA and the Washington/Westmoreland County Assistance Office located at 595 Galiffa Drive, Donora, PA 15033. Security guard services are to be provided for 10 hours a day, five days a week except on specified State holidays, at each location. Complete details and specifications may be obtained by contacting the Procurement Office or faxing your request along with your name, address and bid number.

Department: Public Welfare
Location: Department of Public Welfare, Washington County Assistance Office, 167 North Main Street, Washington, Pennsylvania 15301 and Department of Public Welfare, Washington/Westmoreland County Assistance Office, Valley District Office, 595 Galiffa Drive Donora, Pennsylvania 15033
Duration: This is a 3-year contract which runs from July 1, 2001 through June 30, 2004 with two one-year renewals.
Contact: Rose Wadlinger, (717) 783-3767



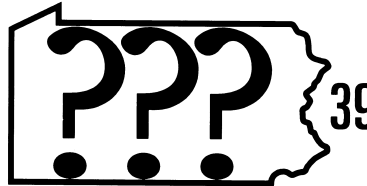
Vehicle, Heavy Equipment and Powered Machinery Services

SP 1114600008 Contractor to provide bucket truck and operator as often as required to change lamps, ballasts and perform general maintenance to pole lights and high mast lighting located on the grounds at the State Correctional Institution at Laurel Highlands. A site visit is required. Bid packet on file at Institution.

Department: Corrections
Location: State Correctional Institution at Laurel Highlands, 5706 Glades Pike, PO Box 631, Somerset PA 15501-0631
Duration: 07/01/01 to 06/30/02
Contact: Carole S. Kolesko, PA II, (814) 445-6501 x: 347

EO-2BL Lease two (2) boom lifts. For copy of the bid, please fax request to (717) 861-2932. Bid opening will be 1 May 2001.

Department: Military Affairs
Location: State Reservation Maintenance Bldg., 11-64 Fort Indiantown Gap, Annville, PA 17003-5002
Duration: 01 Jul 01—30 Sep 01
Contact: Gene Ollar, (717) 861-2921



Miscellaneous

350R09 The Department of Transportation is issuing a Request for Proposals to solicit contractors interested in planning, developing, coordinating, conducting, and evaluating a marketing survey and subsequent strategic marketing plan which will be used to successfully recruit and retain quality technical and engineering staff for employment with the Pennsylvania Department of Transportation. In addition, the successful contractor may be asked to submit cost, level of effort, and time required for several optional tasks which may include implementing, coordinating, and monitoring all recruitment advertising; developing and implementing a tracking system to monitor all costs and advertising efforts associated with recruitment efforts and maintaining files for the Department's evaluation; negotiating with advertising companies to obtain the best rates available; and developing, implementing, and maintaining an advertising sales tracking system which will permit ongoing evaluation of advertising services and cost effectiveness. Interested contractors may request a copy of the RFP by FAXING their name, company name, address, telephone number, and FAX number to Vikki Mahoney at (717) 783-7971. Please reference RFP #350R09 on your request.

Department: Transportation
Location: Throughout the Commonwealth of Pennsylvania, surrounding states, and nationally, if needed
Duration: Twelve months with an option to extend
Contact: Darlene Greenawald, (717) 705-6476

111-5000-001 CC#: 9999-3500-000, Contractor shall provide a maintenance service to include preventative maintenance, repair parts, and emergency service for the institutional telephone network to exclude incoming truck/service lines. Specifications shall be contained within quote format.

Department: Corrections
Location: STATE REGIONAL CORRECTIONAL FACILITY, 801 BUTLER PIKE, RTE. 258 SOUTH, MERCER, PA 16137
Duration: JULY 1, 2001 TO JUNE 30, 2002
Contact: JOHN PITONYAK, EXT. 194, (724) 662-1837

FM0890 Provide labor, material, equipment and supervision necessary to provide and maintain plants on Floors 5, 6, 7, 8 and 9 of the Commonwealth Keystone Building. There will be a pre-bid meeting.

Department: Transportation

Location: Pennsylvania Department of Transportation, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120

Duration: This is a two-year contract with one two-year renewal

Contact: Magdalena Olesiak, (717) 787-0465

RFP #04-01 Provide Intensive Aftercare/Advocacy Services to youth in our Youth Forestry Camps and Youth Development Centers. The following services are to be provided: A. career planning assistance during placements (institution and community) B. job placement C. educational and training placements D. individual counseling E. monitoring community placements F. feedback to courts and agencies G. family counseling. Copies of this RFP can be requested through facsimile at (717) 787-3560.

Department: Public Welfare

Location: Facilities located in: Allegheny, Lancaster, Dauphin, York, Philadelphia, Montgomery, Bucks, Lehigh, Northampton, Berks, Schuylkill, Monroe, Luzerne and Lackawanna counties.

Duration: Effective date of contract (estimated) November 1, 2001 to October 30, 2006

Contact: Beth Trowbridge, (717) 783-1083

APR #304-119 Contractor to furnish labor & equipment for the repair of motors, as well as the overhaul and rebuilding of motors for the Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222. All work to be done in accordance with standards of the trade and in accordance with the attached specifications.

Department: General Services

Location: Dept. of General Services, Bur. of Facilities Management, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222

Duration: July 1, 2001 through June 30, 2004

Contact: Joseph Ehrenberger, (412) 565-5373

00000 000 01 AS-RFP PA Historical & Museum Commission wishes to undertake a three-year contract (renewable for two additional years) for the design, fabrication, installation and renovation of exhibits and visitor contact environments at museums and historic sites. The services required include building interiors and environments, furniture, exhibits, graphics, signage, and audio-visual production. Projects would be developed and assigned to contractor who will assemble a team of professionals and may sub-contract or joint venture with other firms. A pre-proposal meeting for interested vendors is scheduled for May 4, 2001, at 1:30 p.m. in the 5th Floor Board Rm., State Museum of PA, 300 North St., Harrisburg, PA (attendance is not mandatory). Proposals are due on June 1, 2001, at 3:00 p.m. For a copy of the RFP package, send a check for \$50.00, made payable to PA Historical & Museum Commission, and mail to PA Historical & Museum Commission, Bureau of Historic Sites and Museums, Commonwealth Keystone Building, Plaza Level, 400 North St., Harrisburg, PA 17120-0053, Attention: Mindy Kocher

Department: Historical and Museum Commission

Location: Various

Duration: July 1, 2001 to June 30, 2004

Contact: Amy Killpatrick or Mindy Kocher, (717) 772-1967

RFA 2000-2 The Department of Transportation is issuing a Request for Applications (RFA) to solicit contractors interested in providing "Third Party Commercial Driver's License Skills Testing Services." The objective of this project is to satisfy a need to obtain additional, qualified testers for the third party commercial driver's license (CDL) testing program to expand geographic coverage within the Commonwealth of Pennsylvania. Interested contractors may request a copy of the RFA by FAXING their name, company name, address, telephone number, and FAX number to Vikki Mahoney at (717) 783-7971. Please reference RFA #2000-2 on your request.

Department: Transportation

Location: Throughout the Commonwealth of Pennsylvania

Duration: 5 years

Contact: Darlene Greenawald, (717) 705-6476

LBLA 1275 Medication cards and cavities. Fax requests for bid package to (570) 372-5675—include company name, address, phone number, contact person.

Department: Public Welfare

Location: Selinsgrove Center, Box 500, Route 522 Selinsgrove, PA 17870

Contact: Arletta K. Ney, Purch. Agt., (570) 372-5670

LBLA 1276 Assorted Active Stimulation Items, Referencing TFH Ltd., Gibsonia, PA. Fax requests for bid package to (570) 372-5675—include company name, address, phone number and contact person.

Department: Public Welfare

Location: Selinsgrove Center, Box 500, Route 522 Selinsgrove, PA 17870

Contact: Arletta K. Ney, Purch. Agt., (570) 372-5670

[Pa.B. Doc. No. 01-672. Filed for public inspection April 13, 2001, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,
Secretary

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
8010-07	03/09/01	Duron	50,000.00
8010-07	03/09/01	Gateway Paint & Chemical	50,000.00
8010-07	03/09/01	Home Depot USA	50,000.00
8010-07	03/09/01	M A Bruder & Sons	50,000.00
8010-07	03/09/01	PPG Industries	50,000.00
8010-07	03/09/01	Glidden Co. dba/ICI Dulux Paints	50,000.00
9905-12	03/16/01	J O Herbert Co.	92,949.50
1056110-01	04/02/01	B & M Scale	45,090.00
1300150-01	04/02/01	Daktronics	32,724.00
1357220-01	04/02/01	Hondru Ford	57,886.00

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
1363150-01	04/02/01	News Printing Co.	31,831.25
1390070-01	04/02/01	Westrim Crafts/Div Bemiss Ja- son Corp.	39,600.00
1453150-01	04/02/01	MBA Design & Display	24,607.10
1453150-02	04/02/01	Helmut Guenschel Inc.	112,615.00
8176770-01	04/02/01	Moore North America	163,540.00
8252590-01	04/02/01	E D Etnyre & Co.	88,529.00
8505590-01	04/02/01	Walsh Equip- ment	81,770.00

GARY E. CROWELL,
Secretary

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